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REPORT
OF
JOINT COMMITTEE ON OUTRAGES.

MONTGOMERY, ALA. :
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1868.

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REPORT

OF

JOINT COMMITTEE ON OUTRAGES.

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REPORT.

Your committee have examined a large number of witnesses, from many parts of the State, of intelligence and unquestionable veracity, whose testimony abundantly establishes the fact, that there exists, at least in many portions of Alabama, a secret organization of men, who disguise themselves with masks and other costume, for the purpose of committing crimes and outrages upon peaceable and law-abiding citizens, and thereby escape detection, and the punishment which their villainies so justly merit.

This organization is commonly known as the Ku Klux Klan. They generally make their appearance in the still hours of night, mounted on horses, also disguised in like manner, and armed and equipped for their murderous work with guns, revolvers, knives and ropes. Under the covert of their hideous disguises, and the darkness of night, they go forth, from their secret haunts, to perpe-

trate the most inhuman and brutal outrages, upon those whose only fault is, that they have ever been true to their country and to their government. Your committee beg leave of honorable members to state some of the most of this degraded and murderous conduct. It is to be none

greatly threatened, and robbed. Another was shot from his horse, while on his way to the beginning of the present session, by men concealed in ambush by the wayside. A young man in company with him, also fell a victim of the same murderous felons. Another representative, who was in the company, escaped their shots, and fled alone from the scene of death to tell the tale.

Another member of this Legislature was taken from his home, at the dead hour of night, by sixteen armed men in disguise, and conducted to the woods, and there whipped with sixty lashes, and then turned loose, with threats of violence, if he should ever return to the General Assembly. Many others have received threatening letters, warning them to leave the State, or they would be assassinated in their houses. Others have had to seek military protection for

safety. Others still have been hunted like wild beasts, and pursued, and shot at, and have very narrowly escaped with their lives.

And many of our political members of the colored political parties, for the most part colored men, have been driven, by threats and intimidation, from the ballot box, and denied their civil and political rights. The school houses of loyal colored men have been burned, and teachers have been threatened and ostracised, and driven from their homes, and their employment, because they were guilty of the offence of imparting knowledge to the ignorant. The sanctuary of home has, in many instances, been invaded by armed ruffians, at the hour of midnight. The peace of families has been broken, and many, through intimidation, have had to seek safety at night, by lying in the woods, not daring to sleep in their own houses. Some have been most cruelly whipped; others have been forced to leave their homes, and seek a safer residence among a less barbarous people. Not a few have been savagely murdered, being shot down, or cut with knives, or hung upon the trees, or in the bridges upon the highway. Railroad trains have been thrown from the rails, bringing the lives of the passengers. Officers of justice have been killed, or, as in one instance, violently assaulted while in the execution of his official duties, and driven off out of the county, not daring to return, through fear for his life, and for no other fault than his political sentiments. Some of these crimes have been committed, not by disguised men, but openly, and boldly, and by daylight. Such is the depravity of public sentiment, in some places, that assassins and felons need no mask, or darkness, to shield them from arrest, or from the merited penalty of the law; they are safe enough without disguise or concealment.

It appears clearly, in evidence before your committee, that the laws upon our statute books are not adequate to

guard the public peace, and protect the lives of good and law-abiding citizens. The fact is too patent to need further affirmation or proof. Some special legislation, therefore, is imperiously demanded, to suppress these outrages by men who evade detection through the disguises they put on, and thus defy the law; and if possible to bring to justice the foul perpetrators of such horrid crimes.

In some parts of the State, it appears, in evidence before your committee, to be impossible for the civil authorities to maintain order, protect life, and vindicate the power and the majesty of the civil law. If this is true, resort must be had to military force. Therefore, with all due respect to the executive authorities of the State, and to the members of this honorable body, we beg leave to recommend that the following counties be placed under martial law, to-wit: Madison, Lauderdale, Butler, Tuscaloosa and Pickens; and that His Excellency, William H. Smith, Governor of the State of Alabama, be authorized so to declare martial law in the several counties aforesaid. And we further recommend to this General Assembly, the passage of a joint resolution of the following title, for the purpose therein stated, to-wit: "Joint Resolution in relation to declaring martial law," offered in the Senate, December 9th, 1868, referred and favorably reported, and made the special order for 11 o'clock on Monday next.

For further evidence, and for corroboration of the facts herein adduced, your committee respectfully submit, with this brief and partial report, the testimony given before us under oath, and which we have on our files.

All of which we respectfully present for the favorable consideration of this honorable body.

Senate Chamber, December 14th, 1868.

G. T. McAFEE,
J. DEF. RICHARDS,
E. F. JENNINGS,
WM. R. CHISHOLM,
G. W. MALONE.

TESTIMONY.

Mr. J. J. Hinds of Decatur, being called before the committee and sworn, testifies and says :

I was surrounded by about six or seven men near the depot, dressed in uniform disguises which appeared to be a paper, or paste-board hat, about eighteen inches high, in funnel shape, point upwards, covered with a black mask, with eye and mouth holes. They had on what seemed to be red flannel pants, with white stripes up and down the seams, and a gown dropping near to the knees, of a darkish or brown color, and a belt of the same material. They seemed to be searching, or looking out for some person or persons. Connecting what I gleaned from their conversation with other persons who were generally behind, and evidently in sympathy with them, and from the third party's declaration and threats, I am satisfied they were searching for some person or persons as victims.

Affiant says, the second time I saw them, at the same place, a few days after that, they numbered about ten to fifteen, costumed as before, and seemed to be of the same figure, height, and size. They were armed with knives in belts and had pistols in their hands, which they carried near their breasts.

J. J. HINDS.

Signed and sworn to, after being read over and approved by affiant, Nov. 18, 1868.

G. T. McAFEE, Chairman.

Col. Perry Harrison, of the county of Madison, being called before the committee and sworn, testifies and says :

Question—Do you know anything as to the recent commission of outrages, either on the members of this Legislature, or against the good and law-abiding citizens of this State? If so, please state what, when, by whom, and against whom committed, and where committed.

Answer—I have seen the Ku Klux, so-called, in the night time. I have seen these men disguised on horseback in my county; so disguised that I did not know them, nor could they be recognized by any person, being covered as to their horses and themselves, with what looked to me to have been a white gown covering their entire persons. Their horses were disguised also.

Question—What means, if any, did they have of communicating with each other?

Answer—By a sharp, keen whistle.

Question—At what time or times, if more than once, have you seen them?

Answer—I saw them twice before the 3d day of November last, within two weeks before that time, and once since, in the town of Maysville, in which I reside. A colored man, by the name of ————, (whose name is suppressed for prudential motives,) was taken out of his house at a late hour of the night, and whipped by the lawless band, and daringly charged to vote for Grant for President, after his gun was taken away from him.

There are about 175 voters in the beat in which I live, in favor of Grant and Colfax, but there were only two votes given on the day of election, for the Republican ticket. They were afraid of violence from such outlaws to their persons, and in fact their lives were threatened.

Since the election, eight miles above me a colored man named Reuben, was found dead in the road, with his head split open by persons unknown.

P. L. HARRISON.

Signed and sworn to, after having been read over and approved by affiant, Nov. 18, 1868.

G. T. MCAFEE, Chairman.

Mr. Rice E. Harris, being called before the committee and sworn, testifies and says:

G. M. Haley, being called before the committee, and sworn, testifies and says :

That on the 31st day of October last, affiant was in the city of Huntsville, Alabama, at a public meeting held by the Republican party, in the Court-house, and at about the hour of 10 o'clock P. M., he saw about one hundred and fifty men, mounted on horses, come into said city, and march round to the west side of the Court-house, and went thence about one-half mile west, and then returned. As they went west shooting commenced ; and between twenty-five and fifty shots were fired. A part of their crowd, about twenty-five or thirty in the rear, were armed with double barrelled shot-guns. I saw no person killed, but the report was that four or five per-

They followed me, cursing and threatenng me, and telling me to leave, with drawn knives and one pistol, until I reached the woods. In my retreat, I sent back a friend after my horse, and they took my horse from me, and I had to walk sixteen miles home. They threatened to kill me if I did not leave there.

At a time just before the aforesaid acts, I saw a Mr. — Carter cut a man's nose, whose name was Cozelius, who took a Grant and Colfax ballot from affiant, and acknowledged, on being asked by Carter, that he had voted it; and Carter said, "do you believe a Goddamned nigger before me?" and then made the assault in which the cutting took place; saying, "I will cut your damned throat." Affiant further states, that a keg of whisky was kept on said day while the balloting

was progressing, in the shop of one Dr. Blythewood, in said Allenton; and affiant states, he saw said Doctor offer a glass of whisky to one of the electors, and asked and solicited said voter to accept a Seymour ticket, which he did, and voted it, receiving and drinking the liquor, first promising and agreeing to do so, and giving up a Grant and Colfax ballot in lieu thereof. Affiant says he saw said Doctor give away liquor to voters and others unknown to affiant, and also gave to Reeves, which they also drank in said shop, on said day. Affiant further states, that said mob threatened the life of one Anderson who went with him, who also was pursued with him in their retreat from Allenton on said day of election.

WILLIAM (his X mark) BLAKELEY.

Signed and sworn to, after being read over and approved by affiant, 14th November, 1868.

G. T. MCAFFEE, Chairman.

Hon. Samuel S. Gardner, of Greenville, Butler county, Ala., being called before the committee and sworn, testifies and says :

I was elected Judge of Probate in the February election, and received my commission in July from the Governor.

On the morning after I entered upon my duties, the key hole of my office door was filled up, by having an iron wedge driven into it, breaking and spoiling the lock.

Twice after that, the office was entered by means of false keys, and filth or tar spread over the furniture of the office.

On the 6th, or 7th of August, I received a letter, well written and composed, declaiming against my so-called usurpation of the office, and threatening death in a secret and terrible manner, if I did not resign and leave before 10 o'clock on the night of the 10th.

On the 10th August, there was a great campaign meeting of the Democratic party. During the day, it was freely talked upon the streets, that I was to be dragged out and

killed that night. The Marshal took extra precautions to guard against it, and after the time had past, told me that the parties who had intended to lead in the matter had become helplessly drunk, and would not probably do anything.

A few days after, Isaac Long, deputy sheriff, came to my office door accompanied by a rude crowd, and carrying a transparency designed to ridicule me. The crowd made much noise and were very insulting. I called upon John T. Long, sheriff, but who had resigned, to arrest the parties as disturbers of the peace. He answered that he was not sheriff, and Isaac Long defied any one to arrest him.

On the 4th Monday of August, it being county court day, Ira W. Stott, coroner and acting sheriff, attempted to serve a warrant upon Benjamin Long, for assault and battery. This Benjamin Long tore up the warrant and cursed the acting sheriff, who afterwards refused to summon a *posse comitatus*. After the session of court, I appealed to the members of the bar, and all good citizens, to make a stand in behalf of the maintenance of the laws, and on the next morning issued another warrant for the same Benjamin Long. It was returned "not found." A prisoner who was found guilty of assault, was taken to jail to be delivered to Isaac Long, then in charge of the jail as deputy sheriff. Isaac Long refused to take him, declaring that he would not recognize my court. The prisoner has never been punished. After this, coroner Stott refused to act as sheriff, on the ground that the resignation of sheriff Long had not been accepted, Long himself would not act, and no sheriff's business was done for six or seven weeks.

Some time about the 10th of September, Enoch Hicks and one Curtis, came to my office, and began to make a difficulty. They went out into the entry, however, after a little, but were talking about shooting in upon us. Mr. Hart being with me, I went out to see what they were

likely to do. Enoch Hicks then began to taunt the other with having bragged that he was going to kick me out of the office, and said that he had come to see him do it, and wanted him to keep his word. Curtis seemed disposed to give up his purpose and spoke politely. Hicks then cursed him, and said he would do it himself. He attempted to seize and kick me, when a citizen interfered, and he desisted. The next day, or the next after, Lewis Bear, a merchant in town, collected money from several countrymen at his store, saying he wished to give it to Enoch Hicks for assaulting the judge of probate. Several dollars were collected, and he said he would give him two dollars if he would do it again, and wanted the others to agree to the same, to which they did agree. Austin Peterson and Whitman Simpson saw and heard this transaction.

About a week after, one Daniel Whisker, whom I had never spoken to before, came into the office and demanded naturalization papers. I told him courteously that they were not there, and showed him the records to prove it. He persisted in demanding them, and developed that he had made that a pretext for an assault. He commenced beating me, being backed and encouraged by several ruffians who cheered him on, and no one of whom would come to assist me, when called to preserve the peace. This struggle lasted some five minutes before the police came, though in the public square, and a large crowd being gathered.

A few days after, W. McLean came to procure a retailers' license. He talked fairly, and asked me, after writing the license, to meet him at the bank, where he would pay for it, he fearing, as he said, that the bank would close. When I reached the bank, he took the license to read, and then pretended to find fault with the phraseology, though it was a copy of the form previously used. He then began to abuse me, and act in a very threatening manner. I

demanded the license if he was not intending to pay the tax. He then threatened my life if I attempted to take it, and reached for his pistol. I considered it a case of highway robbery, and said no more. He has since been retailing without license.

About a week or more after this, I was proceeding up Commerce street towards my office, when I was met on the sidewalk by J. W. Hardin, accompanied by Isaac Long. Hardin at once assailed me in a brutal manner, in the midst of a crowd of persons in front of a principal store. In the struggle, I succeeded in getting inside of the store, when Hon. J. A. Minnis made an effort to rescue me. He was resisted by Isaac Long. Hon. W. H. Crenshaw also attempted to effect the peace, but Isaac Long turned upon him with threats implying murder. Mr. Minnis persisted in his efforts, and after some minutes the assailant desisted. Thirty or forty persons were looking on, many of whom I called upon officially to preserve the peace, but no one responded excepting those named. I had had no acquaintance with Hardin, but his pretext upon assaulting me was that I testified to his acting as an abettor of the assailant Whisker.

About the 16th of November, while sitting in my office engaged in business, Wm. E. Payne entered, and coming directly towards me, began an assault. Mr. Hart being present, took up a pistol, but immediately saw that he was covered by the pistols of two or three of Payne's accomplices. This assault continued several minutes, during which Mr. Hart made an effort to come to my assistance, but revolvers were levelled at him, with threats of instant death if he moved. Upon direct and reliable information that a plan was maturing to murder me, I came to this place on the 19th. Just before leaving, I wrote the letters marked 1 and 2, and after reaching here received the letter marked 3. From time to time during the next ten days I received the letters marked consecutively to six. On Sat-

urday troops went to Greenville. On Monday, November 2d, the board of county commissioners were to meet at my office, and the next day was that of the Presidential election. The business calling me there was so important to the welfare of the county, that I presumed I should be unmolested. I consulted on Monday with the sheriff, who after enquiry thought I should be safe in holding court. The commissioners were sure there would be no trouble. After holding court about an hour, two commissioners, Mr. Brock and Mr. O'Gwynn, the acting sheriff, Mr. I. W. Stott, Capt. Posey, a justice of the peace, and others, being present, James Brunson entered the office, followed closely by four of the gang who had aided and abetted, or been principals, in former assaults, himself being armed with a heavy bludgeon, and began to assault me.

The sheriff made no active attempt to prevent the assault, the abettors seeming to overawe all present, with the exception of Captain Posey, who made an attempt to seize the weapon. Being left without any protection, finally I was compelled to escape by flight, knowing that resistance would provoke murder. My head was cut, and my hands and arms badly bruised. After dark that night, the town marshal came to me and urged me to go into the camp of the detachment of troops, saying that the crowd was gathering, and he was apprehensive of trouble. I remained in camp until the train came down from Montgomery, when the marshal urged me to go on board and proceed towards Mobile, so as to mislead the mob. I did so, and changed at Georgiana to the up train, although the marshal urged me to stay over a day or two at some point down the road. I was in the mail car when it returned through Greenville, and passed without molestation. I also offer in evidence of the fact that I cannot safely exercise the functions of my office, in Butler county, an editorial from the county paper, published on the 12th November, (marked 7.)

SAMUEL S. GARDNER.

Signed and sworn to, after being read over and approved
by affiant, 17th November, 1868.

G. T. McAfee, Chairman.

CORRESPONDENCE IN RELATION TO S. S. GARDNER'S TESTIMONY.

[No. 1.]

GREENVILLE, Oct. 20, 1868.

TO MESSRS. CRENSHAW AND MINNIS—*Dear Sirs:* I venture to suggest a few thoughts from my point of view in regard to the present state of affairs in our town. I hope to say nothing that is not in strict consonance with truth, and logically correct. And if possible, I hope my suggestions, (the source of which, of course, is not to be made known,) may induce some kind of action to redeem the good name of the town and county.

Lawless ruffianism is now in the ascendant, and the question is whether it shall be allowed to retain its fatal pre-eminence, or whether there is not enough force in the public sentiment of good citizens, if it could only be expressed, to gain the mastery.

My position as an officer in the county rests upon the same basis as that of the Governor and the rest of the judiciary, and I suppose the good citizens do not intend to make an issue either by violence or law on that question now. The question of competency, after a little experience, I think I can leave safely in your hands. Now applying the main issue as expressed above to my case, should not the good citizens, if in their power, take efficient measures to insure me safety in the exercise of my official duties? If so, then the question is, is it in their power?

This is the test. And it seems to me that a meeting should be held, at which the record should be made, of all who are willing heartily to maintain the laws, irrespective of political considerations, and names should be subscribed

to such an engagement. If a better element should predominate, and a prospect of securing sufficient unity of sentiment to carry out the feeling into action, should offer, then I think a committee should be appointed to institute prosecutions against all guilty parties in the late trouble, in the name of law and order, for all the separate offences which they have committed. If Mr. Hart or I should attempt to take any such steps, it would only be laying a broad foundation for private vengeance.

I set down these thoughts with no desire or purpose to dictate, but only as indicating what aspect the duty of the occasion assumes in my own mind.

Very respectfully,

SAMUEL S. GARDNER.

[No. 2.]

COL. MINNIS—I learn, since writing, that a meeting has been held, and that the party of quiet and law were not fully sustained. If this is not so, please give me correct information by letter at Montgomery.

I learn from many sources, and such that I can hardly fail to heed them, that the evil designs of the bad element are ripening so fast that I cannot prudently remain longer in town.

Any probate business that can be done by mail I will do, for any member of the bar, at Montgomery, until I can return.

I may want to send for my seal and some other things, which I wish to have by me. If you have no objections to securing them and sending them to me, please so state, and I will send my key by express. If it is not agreeable, be free to state it so.

I regret to leave, even temporarily, my rights and my living, but I think you will admit that they cannot be suc-

cessfully maintained at this juncture. With the warmest thanks for your kindness and candor, I remain,

Yours truly, SAMUEL S. GARDNER.

[No. 3.]

GREENVILLE, ALA., Oct. 28, 1868.

HON. S. S. GARDNER—*Dear Sir*: Yours directed to Crenshaw & Minnis, and also your note directed to me, were received. I can truly say that I regret the circumstances and situation which has made it necessary for you to leave temporarily. Myself and Col. Crenshaw agree in the sentiments you express in your communication to us, and both attended the meeting last night, hoping to be able to effect, at least in some measure, the very objects of which you spoke. In your letter to me you say that since writing the other you had heard of the meeting last night, and that “the party of law and quiet were not fully sustained,” and asked me if that was not so to give you information by letter at Montgomery. It is painful to me, but candor compels me to admit that you were correctly informed. I will try to give you a correct idea of the meeting. I suppose there was about one hundred men present. Myself, Col. Crenshaw, Col. Herbert, Mr. Posey and Dr. Broughton took ground for law and order, peace and quiet. Judge Lane took ground for law and order, I suppose, as he understood it. But he spoke of Judge Gardner being whipped as a matter of little consequence, calculated to produce no disturbance, and spoke of it in such a manner that surprised me, and really taking into consideration his position in society, that was calculated to do much harm. J. T. Long, in answer to what should be done with you said, “box him up and send him North,” and further distinctly, stated that he would not obey any precept or official act from you as judge, and that there was a thousand men in

the county the same way. He said he had saved you from being killed, but that he would not do it again. Other men used very violent language, all of whom were loudly cheered. I had no idea things were as bad as last night's meeting developed. I have given some of the remarks that were publicly made simply to give you an idea of the situation. The men above spoken of advocating order did everything in their power to quiet and allay, and a resolution was passed that we would preserve peace, order and law, but at the same time they sympathize with Long, who takes the position that he has a right to judge for himself, and judging for himself, you are not legally judge. I am of the opinion, in the present state of feeling, and with the present means of protection, you would not be safe here. You know I am no alarmist, but I do think your life would be in danger. I do not think you would have been in immediate danger here for a few days. But for some urgent business I should have called to see you to-day before you left, and was just in the act of doing so when I received your communications. In relation to your seal, I am very willing to do you any favor compatible with my judgment of what is proper. I am not so fully certain, but hope that you will not need it for a day or two. I will think about it and let you know. I will not be deterred by any consideration but right, and will think about that. I have endeavored hastily to give you a correct idea of the situation. You will govern yourself according to the dictates of your judgment, and I can only say for myself and for Col. Crenshaw, as I think, that whatever differences we have in politics, however strong I may be for the success of Seymour and Blair, we are equally strong for law and order, for the full maintenance of order by the law; that whatever we may think even of the means by which the State Government has been made, we regard it as an accomplished fact, and only to be

changed in the manner pointed out in the constitution ; and hence for the sake of law and order, the government is to be sustained.

These sentiments are heartily endorsed by Col. Crenshaw. Let me hear from you.

Sincerely yours, J. A. MINNIS.

Excuse bad writing ; I have written hastily. M.

[No. 4.]

GREENVILLE, ALA., Oct. 30, 1868.

JUDGE GARDNER, MONTGOMERY, ALA.—*Dear Sir* : I arrived here all safe and found everything quiet. The streets are paraded by mounted men every night. I would advise you by all means not to return now, as your life would be in danger ; besides, I think your absence is a great punishment to the people here. They are very anxious to have you resign, and much frightened at the prospect of having the county records moved to Montgomery. Hold on to the office at all hazards, and if possible effect this latter arrangement in justice to yourself, for it is your only hope of safety.

Col. Sewell called this morning and enquired about you, says the people will not allow you to stay here, and that these kind-hearted, law-abiding gentlemen will not and cannot tolerate you.

From statements made by men in this and Crenshaw counties, we can scarcely hope for a fair election.

Very truly,

J. F. MCGOGY.

[No. 5.]

GREENVILLE, ALA., Oct. 25, 1868.

JUDGE GARDNER—*Dear Sir* : Your brief note received this morning. I have sent the enclosed to Dr. Grover. I

hardly know what to reply to your query, but I don't think it will be safe unless you bring troops. They have organized a large police force, but I have no confidence in them, for two-thirds of them were connected with the disturbance on Sunday a week ago. Everything quiet now, but I think your appearance would be the signal for more trouble. The arrest and punishment of Payne created a great deal of indignation towards the Mayor. It would be impossible for me to stay here, were I not in the Government employ. I addressed a note to Mr. McKellar, a day or two since, telling him that he would be held responsible to the military authorities for any violence toward me. I had heard that day that it was the intention of some of the rowdies to beat me as they did you, and drive me from the place. He replied that he thought the police force was large enough to protect all the people of this place, and that he would tell Mr. Perdue to see that I was not molested.

It is the general impression that troops will be here in a few days. If people are disappointed in this, they will be worse than ever; they are only quiet through fear.

There is a great deal of business here requiring your attention. I am called on frequently every day by men having business with you. I am inclined to think that your leaving is something of a punishment to many.

Mr. Crenshaw is very solicitous about you; considers the present state of affairs very deplorable; he thinks that troops ought to be sent here, &c., &c.; he calls every morning and inquires if I have heard anything of you.

There was a rumor a day or two ago that you and Hart had not been seen in Montgomery, and it is supposed that you had gone to Gen. Meade.

I have received no letters for you or Hart since you left, excepting public documents.

Let me hear from you again. Give my regards to Hart. If the people here find that troops are not going to be sent, they will be worse than before.

Very respectfully,

HENRY BOOTHE.

N. B.—I have not seen Dr. Coleman for two or three days. The day I last saw him, Billy Wright and his son had been after him again. He is either gone, or keeping very quiet.

BOOTHE.

[No. 6.]

GREENVILLE, ALA., 28th Oct., 1868.

FRIEND GARDNER—McGogy has just returned to-day and informed me that he don't think you received any letter from me. I wrote you the day after you left here, and addressed care of Secretary of State's office. Did you receive it?

He tells me you wont come back till after the election. You are right; it is not safe for you to come here at present, until law and order can be enforced.

I send this in McGogy's official mail and hope you will get it. Send your letters to me either by express, or seal the letters with sealing wax.

Write me on receipt and give me all the news, and be *careful* of your pretended friends from this point of the country.

W. MILLER.

[No. 7.]

[From the Greenville Advocate.]

* * * * *

We know the men who persecute Gardner here, and we believe that there is no risk in saying that they are loyal and true men. We know them to be men of undaunted courage and unbending honor; and knowing at the same time that it is outraged justice that stimulates their resistance, we can but feel a sympathy in common with them; yet feeling that violence is vain and futile, and that resistance can do no good—contrary to the natural dictates of the heart, we have ever counseled submission. We did it, and do it still, not out of sympathy or respect for Gardner, but from a painful knowledge of the fact that we are a con-

quered people—powerless to protect ourselves against insults and injuries. At the time that the meeting alluded to was held, we had the best of reasons for knowing that John T. Long and his friends were our friends, yet we did not shrink the responsibility when asked to do so, on that occasion, of expressing our candid opinion with reference to the troubles in our midst. We advised submission to law until a legal and peaceable method could be reached, by which our wrongs could be redressed. This we are convinced was the feeling of every good man who supported those resolutions; and we hope yet that out of respect for the interest and welfare of our own people, violence will cease, and give place to a patient determination to endure the evils we have, rather than fly to those we know not of. We are in the hands of a vindictive, malevolent and overbearing people who have the power to afflict us with burthens that will clog our prosperity and destroy that happiness and peace of mind with which an unconquerable hope continues to tantalize the brain. But whatever may be the result, we will never attempt or counsel an attempt by others to suppress it by force. If our friendly admonitions do not prevail, we will never array ourself in hostility against our friends and our countrymen for the protection of a worthless vagabond, who could at once avoid all of this trouble by tendering to Gov. Smith his resignation, and leaving the people of Butler county free to elect some one of their own choice.

Gardner, your professions of fairness are not to be credited; you know that it is only your own selfish interest that you seek to promote. You care nothing for the welfare of the people of this county, nor do you desire that they should live in peace, for you very well know that this can be best promoted and accomplished by your resignation and final absence. You say that this would be permitting wrong to triumph over right, or that such conduct on your part would be an admission that "force has equal claims with right." You know very well, Gardner, that it

would involve no such principle. You know that our opposition to you is a holy and a just one, according to every principle of natural justice. You know that the manner in which you hold your office is a villainous usurpation—contrary to every fundamental principle of the Constitution which you profess so religiously to revere. You know that according to the form of government that we claim to have, the people have an inalienable right to choose and elect their own officers. You know, furthermore, that your election was not the will of a majority of legally constituted electors of this county. You know that you were elected by the negroes, and the negroes alone. You know, also, that your fees and emoluments of office, if you receive any at all, must come out of the white people, who never consented to your election, and who are opposed to your holding the office now. You know that there is no earthly reason why you should persist in occupying a position for which you are totally unfitted, and in which there seems to be a settled determination that you shall not remain. You cannot truthfully say that the negroes would not receive justice without you to administer it to them: it has been dispensed, from the same seat that you now occupy, for three years past, and not one appeal was ever taken. You must confess that nearly universal satisfaction has been given. Then if you are wrongfully Judge of Probate, and those who oppose you with such violence are only actuated by a desire to see the right prevail—to have an officer of their own choosing as the law directs, instead of an unqualified usurper; where would be the triumph of wrong over right if you should yield to the pressure brought against you. You threaten us with a protracted absence, until the people of Butler county give you well-grounded assurance that you can remain among them, &c. We tell you, candidly, that we believe the assurance will never be given. We tell you with equal candor, that we do not believe that the opposition against you here will ever cease so long as you continue to hold the office.

You know that the men who oppose you here are determined and desperate. You are mistaken when you conclude that it is their intention to take your life. We do not believe that such is the case, unless you should attempt a resistance in a manner that would render it necessary. And if you can get your consent to take a genteel flogging every morning, you may return at once without fear of further molestation than this implies. And you have seen that Federal troops do you no good. The people here will respect the troops and give to you your *daily dues*, and if troops could afford you any relief, they could not always remain; and if they did, they could not be with you continually. We have never approved the course pursued toward you, but it was not on *your* account; yet we have become convinced that no amount of remonstrance on our part can check it, hence we tell you frankly what we believe.

Mr. John A. Hart, of Greenville, Ala., being called before the committee, and sworn, testifies and says:

On or about the 24th day of October, 1868, while Sam. S. Gardner, probate judge of Butler county and I were sitting in the office of probate in the city of Greenville, a man by the name of William Payne, entered and laying his hand on judge Gardner's shoulder, commenced cursing him (the judge). I saw Payne intended violence, and I drew my revolver for the purpose of shooting him. He with an oath, told me that there were many others to take care of me. Turning around to the door, I saw two of his associates with revolvers in their hands, and two others of his friends immediately outside the window. I saw that resistance would be committing suicide, so I stepped out of the window and called for colored men to come and help us. As soon as I called, two of the armed men drew and cocked their revolvers, and leveled them at my head; one of them said to me, "if you call on your damned nigger

friends to help you, I will murder you." They tried to get their hands upon me, but I kept out of their reach. By this time Judge Gardner and his assailant worked themselves out into the Court-house yard. I, seeing judge Gardner with a bleeding face, started to run toward him to rescue him ; but had not advanced more than three or four steps, when three of our enemies leveled their revolvers at my head, and with oaths said : if I attempted to interfere they would blow me through. I being alone, could do nothing to free judge Gardner, but waited until he was freed, when we started toward our room together. During the melee, scores of citizens in the streets witnessed the outrage and everything conduced to the belief that it was a preconcerted affair. Words, oaths and the calling of the citizens, indicated almost a unanimous sympathy and approbation of the citizens who witnessed the scene. They cursed and abused us, and called on our assailants to "kill the God d—d s—s of b—s ;" "run them out of town," "give them h—l," and words of kindred nature. After this difficulty I received the most violent abuse and assaults from the citizens, while passing through the streets. Judge Gardner and I took different streets to our room, he arriving there first. This was about 3 o'clock p. m. At about 5 o'clock p. m., I walked out into the street, and was again most violently assaulted and abused by some of the citizens. The abuse was almost wholly on account of politics.

JOHN A. HART.

Signed and sworn to, after being read over and approved by affiant.

G. T. McAFEE, Chairman.

Mr. Isaac Long, being called before the committee and sworn, testifies and says :

Interrogatory first—Please state what you may know of the above recited resolution, if anything ?

I know there has been a difficulty between Judge S. S. Gardner of this place and other persons.

Interrogatory second—What office does Judge Gardner, or did he hold, at the time of the difficulty you allude to?

Answer—The office of judge of probate of Butler county.

Interrogatory third—When did the difficulty take place, and where?

Answer—The first difficulty I saw was about the last days of September, or first of October, I can't recollect precisely the time, betwixt Judge Gardner and J. W. Hardin; it took place in the streets of Greenville, and ended in the store of Mr. Gabriel.

Interrogatory fourth—What were the circumstances of offence on the part of Judge Gardner, if any, on that occasion with Mr. Hardin?

Answer—I saw none, but I heard Mr. Hardin ask him, why did you say that? I did not know what he (Hardin) meant at the time. Gardner said upon reflection, he took that back. But Hardin said he (Gardner) had no right to have said it. They had hold of each other when I turned to them. I saw Hardin strike him, and he struck him several times in the course of the difficulty.

Interrogatory fifth—Did they remain while in the difficulty before said store door?

Answer—No; they went inside the store-house, Hardin having hold of him all the time.

Interrogatory sixth—What did Hardin do then, and how long did he remain hold of him?

Answer—I don't know what length of time. We separated them ultimately.

Interrogatory seventh—How did you separate them?

Answer—Col. Minnis took hold of Judge Gardner, and I took hold of Hardin, and we separated them as soon as we possibly could.

Interrogatory eighth—Why was it difficult to separate them?

Answer—It was because of Mr. Hardin's holding on to Judge Gardner.

Interrogatory ninth—Was Judge Gardner fighting, or trying to get away from Mr. Hardin?

Answer—No; he was trying to get away.

Interrogatory tenth—Did you or not, hear Mr. Hardin assign any other reason for beating Gardner than the one stated in your answer to the fourth interrogatory above, before they were separated?

Answer—I heard none other.

Interrogatory eleventh—Was Judge Gardner hurt in the said difficulty by Mr. Hardin? If yea, by what signs or evidences do you come to this conclusion?

Answer—He was; I saw some blood ooze out of his nose.

Interrogatory twelfth—How long did said difficulty last from the time Mr. Hardin seized hold of Judge Gardner?

Answer—From three to five minutes.

Interrogatory thirteenth—Did any one person, or more than one person, urge on the difficulty, or aid or abet Hardin by threats, or otherwise, or oppose their being separated?

Answers—In the negative. Some one jasked him, Hardin, to stop.

Interrogatory fourteenth—Is the above the only difficulty between Judge Gardner and other persons that you have seen?

Answer—It is not.

Interrogatory fifteenth, Please state any others you may know of?

Answer—I saw Wm. E. Payne and Judge Gardner in a difficulty?

Interrogatory sixteenth—Please state the circumstances and the time.

Answer—I think it was in the latter part of October, 1868. Payne and Judge Gardner had a difficulty. Shortly after Payne went to Judge Gardner for a marriage license, as he told me; they were engaged, seemed to be in a fight; they had hold of each other; in a short time after that they came out of the south door of the court house hold of each

other. Gardner seemed to be trying to get away; after that, I saw Payne strike him at a wall, and again at the fence—Gardner appearing evidently to be trying to get away.

Interrogatory seventeenth—Was Mr. John A. Hart present at that time?

Answer—He was.

Interrogatory eighteenth—While William Payne was beating Judge Gardner, and Mr. Hart attempted to interfere, did you, or not, say to Mr. Hart, “God damn you, if you interfere I will blow you through,” and at the same time draw your pistol (or revolver) and point it at him?

Answer—I did not.

Interrogatory nineteenth—Did you have a pistol, if so, did you draw it at that time?

Answer—I had a pistol; I had my hand on it; I had it in my pocket at the time. I did not draw it on any one.

Interrogatory twentieth—Do you know of any persons drawing lots to decide who should beat Judge Gardner?

Answer—I do not.

Interrogatory twenty-first—Did you not interfere in Mr. Gabriel's store, or in front of his store, to prevent Mr. Crenshaw from parting William Hardin and Judge Gardner while the Judge was being beaten by Hardin?

Answer—I did not; thought that Mr. Crenshaw was going to interfere in the difficulty.

Interrogatory twenty-second—Did you not on the same occasion, draw a cane on Mr. Crenshaw, and ask him if he was turning to be a radical too?

Answer—Did not; had no cane, and did not use the expression.

Interrogatory twenty-third—Did you on the afternoon that Judge Gardner was assaulted by William Payne, or the following night, hear certain person, or persons say they intended to kill the carpet-baggers out, or make them all leave Greenville?

Answer—Heard no such language.

Interrogatory twenty-fourth—On the same night do you know of certain persons coming to the bureau office, and kicking in one pannel of the front door?

Answer—I do not; was not nearer the office than Messrs. Bear & Gandy's store.

Interrogatory twenty-fifth—Do you know of certain persons coming into the bureau office and swearing that all carpet-baggers should leave within ten days?

Answer—I do not.

Interrogatory twenty-sixth—On the night following the assault by William Payne on Judge Gardner, do you know of certain armed persons going into the train, bound for Montgomery, and searching the cars? if so, who were they and what was their object?

Answer—Do not; was not there at train time.

Interrogatory twenty-seventh—Do you know of any other affray with Judge Gardner than the two mentioned?

Answer, Saw James Brunson rapidly pursuing him with a cane, with the evident appearance that he wished to strike him. That was all I saw of that affair.

Interrogatory twenty-eighth—Was there any other person in the court house, at, or near the door, when the difficulty took place between Mr. Payne and Judge Gardner, except those already mentioned?

Answer—Saw none others.

Interrogatory twenty-ninth—To the best of your knowledge and belief, do you think that Mr. Payne went to Judge Gardner in good faith to obtain a marriage license, or was it to bring on a quarrel with Gardner?

Answer—I have good reason to believe that from what has transpired since, he went there with the view of a difficulty with Judge Gardner, for he has not since been married.

ISAAC LONG.

Signed and sworn to, after being read over and approved by affiant, 24th November, 1868.

G. T. McAFEE, Chairman.

Mr. J. H. Gabriel, of Greenville, Ala., being called before the committee, and sworn, testifies and says :

That on or about the early part of October last, I was quite busily engaged in my store when my attention was called to a difficulty between the above mentioned parties, at the corner of my store. Some fixtures in the store at first obstructing my view of the scene, I found that they were backing into my store, and I went immediately in front of the counter, in order to prevent my house becoming the field of disturbance. I spoke to Mr. Long, who was standing by, and told him that I could not allow such conduct in my store, and attempted to separate the parties. Mr. Long replied that he was willing to assist me in putting both parties out, to which Mr. Hardin consented. My attention was then called to the other side of the house, my view being obstructed from the scene. I then noticed that Col. Minnis entered the house, and succeeded in separating the parties.

Interrogatory 1st—Did you see Mr. Hardin strike Judge Gardner ?

Answer—I did. He struck him several times.

Interrogatory second—Did you see Judge Gardner strike Mr. Hardin, and did the Judge fight any in your presence ?

Answer—I did not see him, (Judge Gardner,) strike Mr. Hardin. He did not fight any in my presence, but seemed to be trying to get away.

J. H. GABRIEL.

Signed and sworn to, after being read over and approved by affiant, 25th November, 1868.

G. T. MCAFEE, Chairman.

Mr. J. T. Long, of Greenville, Ala., being called before the committee, and sworn, testifies and says :

To interrogatory first—Do you know of any outrages recently perpetrated, either by armed bands of outlaws against the members of the General Assembly of Alabama,

or against any of the good and law-abiding citizens of this State, or by any other persons?

Answer—I do not. I saw Col. Bowen and Dick Grey, some two months ago, fighting at my door; I parted them. I saw Enoch Hicks and another man, and had them parted, and the next morning they made friends in my presence. I saw Wm. Payne and Capt. S. S. Gardner, at four to six weeks ago, I do not know precisely; they were at the court house fence fighting.

Interrogatory 2d—Which of the two persons last named made the assault?

Answer—I do not know; they were together when I saw them.

Interrogatory 3d—Did Judge Gardner fight Payne, or did he appear to you from where you stood to be trying to get away from, or prevent said Payne from doing him personal injury?

Answer—Payne struck at him, and I expect he hit him and Gardner pulled him round against the fence; persons parted them very quickly, and I went back into my storehouse, did not see much of it; was not very close to them. This is the only time I've seen Judge Gardner molested.

Interrogatory 4th—Did you say at a public meeting in the court house, that you would not obey any warrant, or order from Judge Gardner, because he is not the probate judge of this county?

Answer—I said I did not consider him legally elected; thought him legally defeated under the regulations by which the election was held. I did say I, as sheriff, had refused to obey the orders of Judge Gardner, and immediately resigned my office.

Interrogatory 5th—Did you say that you had saved Judge Gardner's life once, but never would again?

Answer—I did.

Interrogatory 6th—If so, when and where did you prevent murder, and who attempted, or intended to take his life?

Answer—On the 25th day of December, 1867, Jim Mitchell and other colored men, and others, were about to take his life, and I prevented it. Also, on a time, over a year ago, perhaps in the fall of 1867, the negroes were making much noise in the firing of guns, &c.; the white people became much excited and exasperated at so much noise and fuss, and believing Capt. or Judge Gardner, was the cause of it, they threatened his life if it was not stopped. I interposed and I think I saved his life more than once, in thus interfering with the whites and persuading them not to put their purposes into execution. Joe Jones and Wm. Kelly were of the number of white men so threatening said Gardner's life.

Interrogatory 7th—Did you say that there were a thousand men in this county like you, who never would respect Judge Gardner, and that they were ready to oppose him at any time?

Answer—No. I did say there were various others who entertained the same opinion as I did of Judge Gardner.

Interrogatory 8th—Did you ever assault and beat James Owen on Commerce street, on account of his politics?

Answer—No.

Interrogatory 9th—Did you on the same day, and while sheriff of Butler county, assault and curse Mr. McMullen, because he had been elected sheriff of this county?

Answer—May have done so; don't know; was drunk.

JOHN T. LONG.

Signed and sworn to, after being read over and approved by affiant, November 24th, 1868.

G. T. McAFEE, Chairman.

Mr. Edward Bowin, of Greenville, Ala., being called before the committee, and sworn, testifies and says:

Interrogatory first, Do you know of any outrages that have been committed by armed bands of outlaws in this

State, either against members of the General Assembly of Alabama, or against other good and law-abiding citizens of said State? If yea, please State who they were, and against whom were they committed, and at what time they were perpetrated.

Answer—I do not know.

Interrogatory second—Are you acquainted with Judge S. S. Gardner as a man, or as Judge of the Probate Court of Butler county?

I have an acquaintance with him as such Judge; I know him when I see him.

Interrogatory third—What is the state of feeling in this county with regard to Judge Gardner at this time?

Answer—The people don't want him to be judge. This feeling pervades this county pretty generally.

Interrogatory fourth—Does this feeling proceed from any incapacity in Judge Gardner to fulfill the duties of his office, or is it a purely personal matter?

Answer—I do not think it is for his incapacity, but is of a personal nature altogether.

Interrogatory fifth—What are the personal objections?

Answer, I know nothing personally. What I know is from rumor.

Interrogatory sixth—Do you think that Judge Gardner could come back here and exercise the functions of his office with safety to his person?

Answer—I don't think he could.

EDWARD BOWIN.

Signed and sworn to, after being read over and approved by affiant, November —, 1868.

G. T. McAFEE, Chairman.

Mr. P. C. Lyman, of Greenville, Ala., being called before the committee, and sworn, testifies and says:

Int'y 1st—Do you know any outrages having been perpetrated by armed bands of outlaws against the members

of the General Assembly of Alabama, or other good and law-abiding citizens of this State? If yea, please state by whom; against whom, and at what time and place were they so committed?

Answer—I know it by hear say.

Interrogatory second—Have you heard any person say anything which will go to establish outrage on any other person or persons, by such person so saying?

Answer—I don't think that I have, I may or may not.

Interrogatory third—Have you seen any person or persons upon whom outrages have been committed? If so, who, at what time, and place?

Answer—I have seen Judge Gardner at this place, coming up from the courthouse, passed my store—at one time he came into the store, and asked us to lend him a hat, as he was without a hat. I should say it was in October, previous to election, between the 15th and 25th of October, at the time Payne beat him. Judge Gardner was bloody, looked like he had been gouged in his eyes; had the back of his coat torn right off him, had nothing remaining but the sleeves and front of his coat; the balance of his clothes remaining on him and not injured. Another time previous to that above stated, I saw Judge Gardner pass the store, his clothes were torn, his coat in particular. Witness saw no marks of violence on his person at that time, except as here stated.

Interrogatory fourth—What is the state of feeling existing in this county, in regard to Judge Gardner, at this time?

Answer—It is very much against him. I don't know of any friend that he has got. I don't know of any person that wants him to come back.

Interrogatory fifth—Are the objections against Judge Gardner on the grounds of his incapacity to perform the

functions of his office, or are they purely of a personal character?

Answer—I should say they are of a personal character wholly.

Interrogatory sixth—What are the personal objections, or some of them?

Answer—The first objection was the way he obtained his office; it was his conduct during his election. It was so reported, as he was a candidate, he also received the votes at the ballot-box at this place. All the votes of this county were received at this place; he received the votes and put them in the ballot-box at the time, so it is stated by others. I was not myself at the polls at any time during the election. I think it continued to be held four days.

Interrogatory seventh—Had Mr. Gardner any opponent for the office of judge of probate of Butler county, at said election?

Answer—I think not.

Interrogatory eight—What other objections have the people of Butler county to Judge Gardner of a personal character?

Answer—Rumor reported him as trying to array the blacks against the whites. I never saw him or heard him do so. The charge was this, that he was interfering with the freedmen with regard to their contracts with the farmers; sending for them when they were busy with their crops. I never heard anything more, only political opposition to him.

Interrogatory ninth—Do you think Judge Gardner can safely return to this county and enter upon the discharge of his office?

Answer—I do not think he can.

P. C. LYMAN.

Signed and sworn to, after being read over and approved
by affiant, Nov. 25, 1868,

G. T. McAFEE, Chairman.

Ira W. Scott, being called before the committee and shown, testifies and says :

Interrogatory 1st—Please state all you know as to and concerning the subject of investigation as embraced in this caption, and especially all you know as to any outrages committed against Hon. S. S. Gardner, judge of probate of Butler county, within the last eighteen months, etc.

Answer—On 2d November, 1868, I was in the office of the judge of probate ; Judge S. S. Gardner was present, also J. P. Brock, C. O. Gwynn, Capt. Posey, and some others I was writing for some one, when I heard some one remark, “A parcel of hell-hounds are we,” or words to that effect. I looked up and saw Jas. Brunson striking S. S. Gardner with a stick or walking cane. S. S. Gardner retreated from Brunson and went out of the door. The above is all I remember to have seen, as a violation of law within the last eighteen months, except as hereinafter stated.

Interrogatory 2d—Did you at any time take a warrant issued by Judge Gardner, against Benjamin Long, for his arrest ?

Answer—I did.

Interrogatory 3d—What did Benjamin Long do with said warrant ?

Answer—He tore it up in my presence.

Interrogatory 4th—What did said Long say at the time ?

Answer—On asking him, Do you propose to respect this warrant ? he said, I don't want to be bothered now.

Interrogatory 5th—Did the jailor, Benjamin Long, ever refuse to receive a prisoner whom Judge Gardner legally committed to jail ?

Answer—Mr. Richard Felder, my deputy, acting under

my authority, as the then acting sheriff, informed me, that Mr. Long refused to receive the prisoner, upon the ground that Gardner was not the legal judge, and refused to respect said Gardner's authority as such judge. I think it was Mr. John Long, or Mr. Isaac Long that refused to receive the said prisoner, which prisoner I then turned loose. My deputy, Mr. Felder, also told me that Mr. John Long said affiant had no authority to act as sheriff; that his (John Long's) resignation had not then been accepted—he had no notice to that effect—that he was then the legal sheriff of the county. I. W. STOTT.

Signed and sworn to, after being read over and approved by affiant, November 24, 1868.

G. T. McAFEE, Chairman.

John A. Minnis being called before the committee and sworn, testifies and says:

I never was present but on one occasion when any violence was attempted upon Judge Gardner, the date of which I do not now remember; it was after the office of probate judge had been broken open, after the time that some persons had poured a considerable quantity of tar over the office, and after I had heard he had been attacked in his office. I was in my office, on the south side of Commerce street, over the book store, probably some two hundred yards east of the rail road depot in Greenville, Ala. I heard a disturbance on the side-walk; some person said it was some man beating Judge Gardner. I went immediately down on the street, and a few doors west of my office, at Mr. Gabriel's store, I saw a man I learned was Mr. Hardin. He had hold of Gardner, near the door; he seemed to be trying to pull Gardner out, who seemed to be endeavoring to prevent being pulled out. I also saw Hardin strike, or attempt to strike him, also to kick him, as I thought. I do not think Gardner attempted to strike at all; it seemed to me his whole effort was to keep from being pulled out of the house; when I got up

I begged them to desist ; there were several men around, amongst others, Isaac Long. I found talking and appeals of that sort did no good. I caught hold of Hardin, saying, as well as I remember, it must and should be stopped. When I caught hold of Hardin, Isaac Long told me not to catch hold of one man while two were fighting. I stated to him he knew as well as I that but one was fighting, and asked him to take hold of Hardin and I would take hold of Gardner, and we would part them. He did not, as I think, do so. I let Hardin go, and got rather between them, so as to separate them. Judge Gardner then went out at the door and went immediately towards the Bureau ; I walked with him a short distance, and as there seemed to be no intention to follow, I pretty soon returned to the office. I do not think Judge Gardner was much hurt—his clothes were considerably torn. Whilst I was attempting to part them, Col. Crenshaw came up and said something. Isaac Long turned to him and spoke, as I thought, rather angrily or contemptuously. I did not sufficiently understand him, to say what he said. I did not see the commencement ; know nothing, of my own knowledge, of the cause of the difficulty. That evening I saw Mr. Hardin ; he asked me if I was a friend of Gardner. I told him I was not the special friend of Gardner ; that I had interfered not as the friend of Gardner, but as the friend of law and order, and that I was opposed to all violence. Since that, the only conversation I have had with Mr. Hardin was in relation to certain letters : at either time he manifested no hostility towards me ; on both occasions our conversation was a friendly one.

I have at no time had any conversation with the parties, in relation to violence on Judge Gardner ; have never, at any time, heard any threats ; know nothing, of my own knowledge, of any special cause, except what was stated in a public meeting of a large number of the citizens of Greenville, the most of which was published in the *Greenville Advocate* and *Montgomery Mail* ; and although that

letter was written for Judge Gardner's eye alone, and simply to let him know what different parties said, so that he could judge for himself as to his own safety here; I think it gives a pretty correct idea of what was said, except I think in what I said in relation to Judge Lane, I did not fully appreciate his motive, which I think was to pacify. There were others not named by me, who spoke in favor of law and order, whose names, and what they said, I do not remember, except Frank Gafford, J. M. Whitehead, Esq., editor of the *Greenville Advocate*, L. Roberts, Rev. W. H. Morris, and doubtless others that I have forgotten. Dr. Hammer stated he would whip him, and do more; the chairman, Maj. T. J. Burnett, stated he did not want this community to answer for Gardner's blood. Dr. Hammer stated he had not threatened to kill him, and would not do so. With this, I refer the committee to my letter; and I believe is all I know in relation to your inquiry.

J. A. MINNIS.

Signed and sworn to, after being read over and approved by affiant, November 20th, 1868.

G. T. McAFEE, Chairman.

W. J. Wood, being called before the committee, and sworn, testifies and says:

Interrogatory First.—Are you acquainted with any recent alleged outrages having been perpetrated by armed bands of outlaws, upon members of the General Assembly or other good and law-abiding citizens of the State of Alabama? If yea, when, where, and by whom, and upon whom, have they been so perpetrated?

Answer.—I do not.

Interrogatory second.—Are you acquainted with the Hon. S. S. Gardner, of Butler county, as a private person, or as the judge of probate of said county?

Answer.—Yes, I've been acquainted with him before he was judge and since too.

Interrogatory third.—Do you know of any violence having been committed on, or against the person of said Gardner? If yea, when was it done, by whom, and for what purpose, or under what avowed purpose was it done?

Answer.—I know of no violence done against his person, only from hearsay.

Interrogatory fourth.—What is the feeling here with regard to judge Gardner?

Answer.—I do not think it very favorable—at least I should not think it safe for me to live here under the circumstances of Judge Gardner. I think he would not be safe in returning to this county.

Interrogatory fifth.—Do you know anything against judge Gardner and Mr. Hart's moral character?

Answer.—I do not.

W. J. WOOD.

Signed and sworn to, after being read and approved by affiant, the 25th of November, 1868.

G. T. McAFEE, Chairman.

Mr. Alexander McKellar, being called before the committee, and sworn, testifies and says:

Interrogatory first, Please state anything you may know about outrages and violence having been committed on the persons, or the rights of persons, of your acquaintance?

Answer—There are three men, Wm. Hardin, William E. Payne and James M. Brunson, residing in this town, who have committed, or were charged before me of having committed, acts of violence on the person of Judge S. S. Gardner. Payne was brought before me about 22d or 23d of October, and the other two about the 1st inst., and on their several trials they all plead guilty.

Interrogatory 2d—What office, if any, do you hold?

Answer—I hold, and I have been duly qualified for the office of intendant of the city of Greenville, in this county.

Interrogatory 3d—What was done by you with said persons when brought before you?

Answer—Payne was fined \$30, and the others \$25 each, and all bound over to the Circuit Court.

Interrogatory 4th—What is the general feeling of the people of this community with regard to Judge Gardner and Mr. Hart?

Answer—I don't think it is a good feeling. Those persons who are disposed to do right do not want to have anything to do with them, and would not use any extra means to prevent violence towards them.

Interrogatory 5th—Does this feeling arise from any incapacity on the part of Judge Gardner to discharge the duties of his office, or is it of a purely personal character?

Answer—I think it arises from reasons of a personal character.

Interrogatory 6th—Do you think Judge Gardner could return to this county and discharge the duties of his office with safety to his person?

Answer—I do not think he could.

Interrogatory 7th—Have any charges of immorality or breach of the law, or of unlawful acts, been brought before you or any other magistrate, to your knowledge, against Mr. Hart or Mr. Gardner?

Answer—There has not, that I have ever heard of.

A. McKELLAR.

Signed and sworn to, after being read over and approved by affiant, November 25th, 1868.

G. T. McAFEE, Chairman.

Mr. Walter H. Crenshaw, being called before the committee and sworn, testifies and says:

Interrogatory first.—Are you acquainted with the Hon. S. S. Gardner?

Answer.—I am and have been for a period of eighteen months or two years, ever since he came to this place as bureau agent.

Interrogatory second.—Do you know anything as to his having received personal abuse, injury, or violence from any person within that time; if yea, please state by whom, and the time and place?

Answer.—On the day of the sale of Judge Porter's books in the town of Greenville, somewhere between the 1st and 15th of October, 1868, I heard, while in my office over the book store, noise on the street, as though a fight was going on; Col. Minnis went down, and shortly after I went down, and I found in Gabriel's store, (near by) Judge Gardner in a scuffle with a Mr. Hardin. Gardner seemed to be trying to get away from Hardin, and Hardin was trying to hold on to him, and I saw Hardin strike him once or twice. Col. Minnis was trying to get him away from Hardin. I took hold of Hardin and told him to desist; he turned around and seemed intending to strike me, but did not strike me. Isaac Long, (whom I had not seen until about this time), stepped between me and Hardin, in a threatening attitude, and said I should not interfere. Others were present, but I do not recollect any by name at present, except Mr. Gabriel, Mr. Hawthorn, (his clerk), and Mr. Turton. Mr. Gabriel was deprecating a fight in his house, and was urging the people to stop the fight, but he did not take hold of any one. No one else interfered to stop the fight, that I saw. I did not see Long strike Judge Gardner, or attempt it, but from the manner of Long in accosting me, I supposed he intended to see that Hardin had an opportunity to whip judge Gardner. I have every reason to believe that Judge Gardner has been assaulted three or four times besides this occasion. I was not present at any of the other difficulties, but saw Judge Gardner afterwards, and saw that he had been in a difficulty of some kind. I have never heard any person threaten him with violence.

W. H. CRENSHAW.

Signed and sworn to, after being read and approved by affiant, November 24th, 1868.

G. T. McAFEE, Chairman.

Mr. M. C. Lane, being called before the committee and sworn, testifies and says :

Interrogatory first.—Do you know anything concerning the recent alleged outrages of armed bands of outlaws having been perpetrated upon the members of the General Assembly of Alabama, or upon any of the good and law-abiding citizens of said State? If you please, state the time, the place, the person or persons against whom any one or more of said outrages have been committed.

Answer.—I know of nothing of my own personal knowledge, except on one occasion, in relation to Judge S. S. Gardner, at which I happened to be present. The facts, as they occurred on this occasion, which was sometime during the present year, and before the difficulty with or between Payne and Judge Gardner. I was at the office of Gardner, at the court house in Greenville, Ala., at which time I found one Whisker at the door of the office demanding some naturalization papers, which he (Whisker) said he had filed in the probate court office. Whisker was using insulting language at the time. Judge Gardner remarked to him (Whisker) that he had made diligent search for said papers and they could not be found, and that he would give a certificate to that effect, which he did, but Whisker refused to accept the same. Judge Gardner then threw the paper or certificate to him, out of the door of his office. I do not know who, if any one, picked it up. I was standing in the door of Judge Gardner's office, at the time and aided in preventing Whisker from entering. Whisker's friends interposed and carried him away. I saw no further difficulty. I also, after having gone through with the business I had at the time with the Judge, retired, and saw no more. There was no assault or assault and battery committed upon the person of Judge Gardner in my presence by Whisker, or any one else.

Interrogatory second.—Why did you prevent said Whis-

ker from entering the Judge's office, as before said?

Answer.—I did it to prevent him from committing violence on the person of Judge Gardner.

Interrogatory third.—From what words or circumstances spoken or acted by Whisker on said occasion, did you infer he intended to do violence to the person of Judge Gardner?

Answer.—He used profane and threatening language and was demanding, vehemently, the naturalization papers, as stated in my first aforesaid statement.

Interrogatory fourth.—What is the state of feeling in this community at the present time with regard to Mr. Hart and Judge Gardner?

Answer.—I think it is unfriendly, for the following reasons: (I state from expressions of the people of the county. I know nothing of my own personal knowledge, but from general reputation.) Judge Gardner is held in general disrepute in this county; also Mr. Hart, in consequence of having conducted themselves socially and morally in such manner as have rendered themselves obnoxious to the people of this community.

Interrogatory fifth.—Do the people of the county oppose Judge Gardner on account of incapacity or the insufficiency of his bond?

Answer.—I do not think they do.

Interrogatory sixth.—Do you think Judge Gardner can return to this county without personal violence and exercise the functions of his office?

Answer.—I think it doubtful, in view of the facts stated.

M. C. LANE.

Signed and sworn to, after being read over and approved by affiant, Nov. 25, 1868.

G. T. McAFEE, Chairman.

Mr. A. F. Posey, being brought before the committee and sworn, testifies and says :

On the 2d day of November instant, between two and three o'clock in the afternoon, I stepped into the office of the probate court of Butler county for the purpose of obtaining the probate judge's certificate and official seal to some papers. Anticipating that I would find the Commissioner's Court in session, I had written out the papers so as to interrupt the Judge only for his signature. I found the Court in session, and present his Honor, Judge Gardner, Mr. Aleff Stott and Commissioners Peter Brock and Coleman O. Guynn. After remaining about a minute, I apologized for the interruption, and called the attention of the Judge to my papers, and asked his signature, stating that I could affix the seal. Judge Gardner was, just at this point, called upon by one of the Court for a book or paper, and stepped around the table into the northwest corner of the office, and was examining the indexes, when he was accosted by Mr. Brunson, who stepped into the office just after Judge G. had passed around the table into the corner of the office. Mr. Brunson made some remark to Judge G. as he advanced upon Judge G. (in the corner) with his stick raised, and struck him. Judge G. threw up his arm and partially warded off the blow, which fell on his head and shoulder, and two other blows, I think, were given in rapid succession. About the fourth blow, Judge G. caught the stick and cried out for protection.

About the time the first blow was struck, Mr. Stott and the Commissioners rose to their feet, Mr. S. crying 'hold! hold!' or words to that effect. I sprang in the direction of the parties engaged, remarking, "gentlemen, let's stop this." Judge Gardner was holding on to the end of the stick, and Mr. Brunson was trying to get the stick loose. I caught the stick in the middle with my right hand, and placed my left hand against Mr. Brunson's shoulder and begged him to desist. At this point Judge

Gardner let go the stick, and made his escape. I went to the window a few moments afterwards and saw him running in the direction of the depot and Mr. Brunson running after him. Mr. B. stopped after following Judge Gardner about 75 yards.

The stick used by Mr. Brunson appeared to be about the medium size, of hickory-wood, and a curved head, as is now generally used.

Interrogatory by the Committee—What was said by Mr. Brunson as he advanced upon Judge Gardner with his stick in his hand?

Answer—My impression is, that the words spoken at the time by Mr. Brunson, as he drew his stick in the attitude of striking, he, (B.) speaking in a low tone of voice, suiting the action of his body and position to strike, “You are back here again, are you? God damn you!” and immediately struck him, and repeated it several times. He then got out; and presently, on stepping to the window, I saw Gardner running away from the court house, being pursued by Brunson. While the striking was going on, the words “hell-hound” was used by Brunson; I cannot say precisely in what connection, other than I have stated.

Interrogatory—Had Judge Gardner said anything to Mr. Brunson, or in any other way given him any cause of offense on said occasion?

Answer—Judge Gardner had not said a word, or given him any other cause of offense, on the occasion.

Interrogatory—What is the state of feeling in this county with regard to Judge Gardner, at this time?

Answer—I think 48 or 49 persons out of 50 in this county, rather than have the records of this county removed to Montgomery, would prefer that Judge Gardner would return to the execution of the duties of his office, but I do not think that that majority could prevent him from being assassinated. My opinion is predicated on the statements and opinions of other persons.

A. F. POSEY.

Signed and sworn to, after being read over and approved by affiant, this 25th day of November, 1868.

G. T. McAFEE, Chairman.

Mr. ——— being called before the committee and sworn, testifies and says :

Interrogatory first.—Do you know of any person who has been abused and outraged by lawless bands of outlaws recently? If yea, who, when and where?

Answer.—About the 17th October last, in this town, at the door of the courthouse, Judge S. S. Gardner was badly beaten and abused by William Payne.

Interrogatory second.—What took place before this time?

Answer.—At Hardin's grocery, William Hardin, William E. Payne and James M. Brunson and Isaac Long, drew straws as to which one of them should whip Judge Gardner, and it fell on Payne and he done it. Affiant was present and saw them draw straws.

Interrogatory third.—Did Judge Gardner fight any?

Answer.—No, but he was trying to get away all the time.

Interrogatory fourth.—Do you know anything about a riot that took place after Payne whipped Judge Gardner? If yea, at what time, and state what you know about it?

Answer.—About eight o'clock, John T. Long said to some white men, hurry and load up your guns and go down to the railroad and whip the damn niggers out, and that he was not afraid of any damn niggers. He (Long) said he would be captain of the company. Long then started with his company towards the railroad. I then heard considerable shooting near the railroad depot. After the firing was over, John T. Long came to my house and told me that he and his mare were shot while he was near the depot.

Interrogatory fifth.—Did you ever hear any men say they would kill Judge Gardner?

Answer.—I did. John Penney said there were men here who would kill him, and that he would help do it. William Hardin said he would kill him before he (Judge Gardner) should stay here. Isaac Long said he, too, would kill him before he should stay here.

Interrogatory sixth.—About what time and at what place did you hear the men referred to in interrogatory fifth, make those threats?

Answer.—In the first part of the month of October. Isaac Long and William Hardin were in Long's grocery when I heard them make their threats, and John Penney was in front of Mr. Wright's store.

Interrogatory seventh.—While Wm. Payne was beating Judge Gardner, did you see Isaac Long point his pistol at Mr. Hart?

Answer.—I did. At the same time Isaac Long said to him (Hart) "God damn you, leave here."

Signed and sworn to, after being read over and approved by affiant, on the 25th November, 1868.

G. T. McAFEE, Chairman.

A witness, by subpoena, (whose name is suppressed for prudential reasons,) being called before the committee, and sworn, testifies and says:

Interrogatory 1st—Please state if you know of any outrages committed upon law-abiding citizens of this State?

Answer—I have never seen any outrages committed, but I saw Judge Gardner immediately after he had been beaten, at two or three different times.

Interrogatory 2d—Did you at any time hear any man say he would kill Judge Gardner?

Answer—I did. I heard William Payne and William Hardin say, that before Gardner and Hart should stay here

they would kill them, and every damn nigger who would take sides with them.

Interrogatory 3d—Do you know anything about a riot, in this place, on the night after William Payne beat Judge Gardner?

Answer—I do. In the evening after William Payne beat Judge Gardner, Payne and William Hardin mounted horses, and rode down to the railroad depot, where some colored men were standing, and said to them, “How do like having Judge Gardner whipped?” One colored man said to Payne, “He did not like it; you had no right to do it.” Payne replied, “Then, God damn you, we’ll kill all the damn niggers to-night, who take sides with them, (Gardner and Hart.)” About eight or nine o’clock that night, I saw John Long and other white men, (twelve or fifteen in number,) coming down the street armed. They fired, and then broke into Levi Ball’s (colored) bakeshop, and destroyed his show-case and contents. I then left and went home. On my way home, and before I reached there, I heard William Payne beating Austin Peterson (colored) and Greene Parmer (colored), and break a gun-stock over Ab Burnett (colored.)

Interrogatory 4th—How did you know William Payne beat these colored men?

Answer—On Monday, or Tuesday following, William Payne told me he beat Austin Peterson, Os. Taylor and Green Parmer. He further told me he gave them hell, and that if he could have caught them on Sunday night he would have killed them all, and in order to get at them, he forbid them holding a religious meeting, and they did not hold any.

Interrogatory 5th—Do you know of any merchants, or other citizens, giving out guns to the white men, on the night of the riot?

Answer—Mr. Gandy, of the firm of Bear & Gandy, said in the presence of John Hartley, colored, Frank Story, colored, myself and others, that he had given out every gun

in his store, and if they could not stop the fuss by talking, they would by some other means, and that if fifty men could not do it, they would have one hundred and fifty; that they had guns and ammunition for them, and that you, the damn niggers, know you have'nt got any. ——— ———.

Signed and sworn to, after being read over and approved by affiant, 25th November, 1868.

G. T. McAFEE, Chairman.

Mr. William Sewell, being called before the committee, and sworn, testifies and says :

Interrogatory first—Do you think that Judge Gardner could come back to Greenville and exercise the functions of his office, with safety to his person ?

Answer—In reply to the question whether I think Judge S. S. Gardner could return to Greenville and exercise in safety to his person, his functions as Judge of the Probate Court of Butler county, I beg leave to say, after much inquiry on the subject, that I do not think he could. I believe his life would be in imminent danger every day of his continuance here. I say this, not from any consultation with any persons who are disposed to molest him, but from the opinions expressed to me by men who are themselves discreet and law-abiding, but understand better than I do the character of the opposition to him.

WM. SEAWELL.

Signed and sworn to, after being read over and approved by affiant, this 25th November, 1868.

G. T. McAFEE, Chairman.

Henry Booth, being brought before the committee and sworn, testifies and says :

I came to Greenville, Ala., on the night of the 13th of October, 1868, as clerk to the Sub-Assistant Commissioner

B. R. F. and A. L. I reported to J. F. McGogy, Sub-Assistant Commissioner, and was installed in my duties as clerk.

On the morning of the 17th day of October, 1868, J. F. McGogy, Sub-Assistant Commissioner of the Bureau, went to Garland, Ala., leaving me in charge of the office of the Bureau. The said office is situated near, and facing the rail road depot. On the night of the 17th of October, 1868, a mob, consisting of about eight or ten persons, citizens of Greenville, Ala., came to the office aforesaid, and awoke me and the servant boy (Mack Hall,) by beating and breaking one of the panels of the door of the aforesaid office. Myself and the servant were sleeping in the back room, which is about ten by eighteen feet in size. This building is rented by the United States Government, through its authorized agents. Being awake by the noise, I got up and went into the front room of the office, and found that the mob had broken in one of the panels of the front door. As I was going to the front door, I heard the mob going to the back door, which opens into the room in which I had been sleeping. I immediately returned to the back room, and the mob then came up to the back door and called out "helloa!" and asked who I was, where I came from, and what I was doing there. I told them I was a clerk in the Bureau office, under orders from headquarters. They then asked, "Are Gardner and Hart in there," (meaning S. S. Gardner, Judge of Probate of Butler county, Alabama, and J. A. Hart, member of the State Legislature of Alabama.) I answered, "No, they do not stop here." They said, "That's a damned lie." I, fearing that they would break in the door, said, If you doubt my word, you can come in and see. They replied, "Strike a light and let us in—we won't hurt you." I lighted a candle, and opened the door. Two of the mob then came in and sat down—one on the bed behind me, and the other near the fireplace, facing me. The latter said, "My name is Hardin. I don't hesitate to tell who I

am. We will give you ten days to leave town, and tell McGogy, (meaning J. F. McGogy, Sub-Assistant Commissioner, B. R. F. and A. B. L.,) to go too—he is as bad as the rest. He is a damned lying, thieving scoundrel, and I would tell him so to his face.” The man that sat on the bed, when I would say anything, or speak, said, “You are a damned liar—that’s what they all say”—or like insulting expressions; and when he was going out of the office, said, repeatedly, “Are you going to do it?” meaning were we going to leave the place, or were we going to obey the mob. The mob, except the two aforesaid, remained outside of the office, two of them leaning against the casing of the door, some of the others on the steps, and the remainder standing around the steps and near the door. Every one of the mob I could see was armed with a gun. The mob came to the Bureau office about ten o’clock, and remained about fifteen minutes.

About five o’clock, Sunday morning, October 18th, 1868, I went out of the back door of the office, as three men were passing by; two of them carried guns. The name of one of these men, I have since learned is H. G. Holcomb. He called to me, and said, “Tell Gardner, (meaning S. S. Gardner, Judge of Probate of Butler county, Ala.,) and Hart (meaning Hon. John A. Hart, member of the State Legislature of Alabama, from Butler county,) and all of that stripe, (or words to that effect) to leave this town in ten days, or we will find a way to make them.” This man, H. G. Holcomb, has since been appointed one of the policemen of Greenville, Ala.

The names of the two of the mob whom I refer to as leaning against the casing of the door, are, — John-son, and Washington Calhoun.

HENRY BOOTH.

Signed and sworn to, after being read over and approved by affiant, 25th November, 1868.

G. T. McAFEE, Chairman.

Mr. S. J. Bolling, of Butler county, being called before the committee and sworn, testifies and says :

Interrogatory first.—Do you know of any school house having been burned in this vicinity ? Please state what of the facts in relation thereto you may be in possession of.

Answer.—I do not know that a school house in this vicinity was ever built or ever occupied for the purpose of teaching colored persons. I gave permission some two years since to one Mrs. Lee to build a school house on my land, and use it for that purpose. I learn through other persons it was built, taught in, and that said Mrs. Lee was of ill fame, and that said house was burned lately. It was said that both white and black men were concerned in burning said school house. Chas. Hamilton, a colored man, was my informant.

Interrogatory second.—Have you any knowledge that any other school house in this neighborhood has been burned ?

Answer.—I have not.

S. J. BOLLING.

Signed and sworn to, after being read over and approved by affiant, Nov. 25, 1868.

G. T. McAFEE, Chairman.

Mrs. E. A. Clancy being called before the committee, and sworn, testifies and says :

Interrogatory first.—Do you know of any acts of violence to any of the good and law-abiding citizens of this or the adjoining counties, or elsewhere in Alabama, as to their persons, or property, or safety ?

Answer.—I know that a school house, situated in Crenshaw county, in the Valley of said county, so-called, five miles south-east from the court house, was burned about 3 o'clock A. M., on the 4th day of Nov., 1868 ; said house was

occupied at that time as a school for colored children, and burned down on that night.

Interrogatory second.—Do you know, or is it known, who burned said house?

Answer.—I do not know of my own knowledge; I understood that it would be burned, and it was, but I am not in possession of the names of the guilty parties.

Interrogatory third.—Who was the teacher in and for said school in the house above alluded to, at the time it was burned?

Answer.—E. A. Clancy, this affiant.

Interrogatory fourth.—How long had you been engaged in teaching that school?

Answer.—I had been teaching one month and a half.

Interrogatory fifth.—Who employed and paid you for teaching there?

Answer.—The colored people.

Interrogatory sixth.—What interest did the white people and the citizens take, if any, in your school or enterprise in said Valley?

Answer.—None.

Interrogatory seventh.—What kind of treatment did you receive of the white citizens of the Valley while teaching in their midst?

Answer.—Very cool treatment. I was not able even to obtain boarding amongst them after the first half month; was not received in their social circles. There is no protection for the colored people there, nor to any one who takes any interest in their welfare. I have reason to believe that the school house above referred to, on the night after the Presidential election, was burned because the colored people did not vote in a way to suit the white people. Fed Wilson, a colored man, told me that one Adam Benbow, sr., told him (Fed Wilson) that if they (meaning the colored people) built an arbor, she (meaning affiant) should

not teach them any more, I having promised to finish my term if they would build it.

The colored people were also told that if fire would not prevent it, bullets would.

E. A. CLANCY.

Signed and sworn to, after having been read over and approved by affiant, Nov. 25, 1868.

G. T. McAFEE, Chairman.

Mr. Ismar D. Sibley, Senator from Huntsville, being called before the committee and sworn, testifies and says :

That on the night of October 30th, 1868, I attended a republican mass meeting in the county courthouse at Huntsville, Ala., and about 10 o'clock, it was announced that the ku-klux were coming. The meeting broke up. I descended to the courthouse steps, and saw a number of mounted men in disguise. They were formed in column by fours, and were attended by a large number of men on foot, who did not appear to be disguised, but who carried pistols in their hands, and who went before the procession, and on either side, and looked around the corners of the houses, and down the alleys, as if they expected to meet an enemy. I approached within, probably, thirty feet of the column of mounted men, but in the rear of their attendants on foot, and could well observe their dress and equipments. Their horses were all covered with white cloths, or blankets, from the head to the tail. The men wore tall conical-shaped hats, I should think about two feet high, running to a point at the top, and without a rim, a cloth came over the face, with eye and mouth holes, and it appeared to be painted to resemble a man's mustache; and heavy beard; they had also a long black robe, or gown, that fit close around the neck, and was gathered and held fast at the waist by a belt. All of these men, that I noticed, carried a pistol in the right hand, and

another in their belt, and a double-barrel gun, or a carbine, on their saddle. They were about 150 in number, and they rode around the courthouse square, and disappeared in the direction from whence they came. When the mounted men retired, the parties attending them remained on the street. I heard loud talk, cursing and swearing, and heard the words, "lay it down!" repeated several times, and saw the flash, and heard the report of a pistol, and immediately after, the firing of pistol shots seemed to become general. At this time I was talking with Judge Thurlow, a few steps from the gate of the courthouse yard, and saw a colored man, named George Roper run past me, with a gun in his hand, and several white men after him, who fired pistols at him. As these men passed me, some of them looked at me, and seemed to stop their pursuit of Roper, and stepped one side, at the same time I stepped inside the gate, leaving Mr. Thurlow at the gate. Firing was general in the street; and Mr. Thurlow came in to me, and told me that he was shot. Mr. Bigelow and I helped Mr. Thurlow to a house, where I saw him examined. The firing did not last longer than two minutes, and there might have been 150 shots fired.

I have received warning letters, some of which I have given to other parties to see if the handwriting might not be identified; but one of these letters I herewith submit marked "A." I have been told by the most respectable people of Huntsville, that there was danger of those threats being executed, and I was advised to seek safety in the Federal camp, near by. I do not wish to give the names of the parties, because it would expose them to the vengeance of these outlaws.

I. D. SIBLEY.

Signed and sworn to, after being read over and approved by affiant, this 20th day of November.

G. T. McAFEE, Chairman.

[Ku Klux Letter to Senator Sibley—inserted as a specimen.]

“MR. SELBLY—You had better leave here. You are a thief, and you know it. If you dont leave in 10 days, we will cut your throat. We aint after the negroes; but we intend for you damn carpet-bag men to go back to your homes. You are stealing everything you can find. We mean what we say. *Mind your eye.*”

JAMES HOWSTU.

WILLIAM WHERREATNEHR.

JOHN MIXEMUHH.

SALLIMON WILSON.

P. J. SOLON.

[A coffin.]

Get away!

We ain't no cu-cluxes, but if you don't go, we will make you.

Hon. A. J. Applegate being called before the committee and sworn, testifies and says:

On Saturday, October 31, 1868, I attended a Republican mass meeting in the day time at Huntsville, Ala.; also a meeting at night. Speeches were made by a number of prominent Republicans. About 3 o'clock in the day I was informed that the Ku Klux were making preparation for a raid on the town that night. Again, at 5 o'clock, I was informed a second time by a number of persons, that they would be there in large numbers. The civil officers were informed of their intentions, (which were said to be to murder all prominent Republicans that were there.) The deputy sheriff told me that they knew they were coming and would be ready for them. About seven o'clock a meeting was organized at the court house, shortly after which a negro came into the meeting and stated to me that he had been captured near Pin-hook bridge, after several shots had been fired at him. He was knocked down with a club and taken. He stated that he was

questioned as to the meeting that was going on, where Gen. Callis, M. C., Sheats, and myself were, and where we would stay that night, among other questions of a like nature. I inquired again for the sheriff and his deputies, and was informed that the deputy was making arrangements to preserve the peace. About 10 o'clock, the excitement in the meeting and around the court house, became very great. I could hear from all quarters that the Ku Klux were coming. I walked down in front of the court house, and saw the head of the column coming up the street, on the east side of the square. They were riding three and four abreast. Their horses were covered with white sheets. The members wore gowns made of light colored material, with masks, hideously ornamented. Each horseman had from one to two pistols, one of which was carried in his right hand, cocked; also, a carbine or double-barreled shot gun. The column consisted of about one hundred and fifty men. As they passed around the square, I passed through the hall of the court house, crossed the street ahead of the column. When I came out of the court house yard, I saw large crowds of the white citizens standing in groups, or running to and fro, and a considerable number of negroes, who seemed worked up to a state of perfect phrenzy with fear. In passing through the street, I heard repeated whistles from the crowd, which was answered by the horsemen. I walked down street to Johnson's Hotel, and stood in the window while the column passed by.

About the time the rear of the column reached Cross street, below me, I heard a shot fired in the direction of the square, which was followed in rapid succession by from 30 to 50 shots. I have many reasons, outside of a number of affidavits that I saw, for believing that the firing was commenced by one Cox, the leader of the gang in Huntsville. I am of the opinion that the firing was all done by white men, with the exception of one or two shots. While the firing was going on, the column of horsemen were

drawn up in line, fronting the square, awaiting, if necessary, to go to the assistance of their friends on the square. When the firing ceased, as it did immediately after Cox was wounded, the horsemen passed away in the direction they had come; and well-authenticated report says they were joined outside of the town by about two hundred and fifty more mounted men.

In a few moments after the firing ceased, Judge Thurlow, of Limestone county, was brought into the hotel mortally wounded, and has since died. One negro was killed and one mortally wounded, two more severely, and one or two others slightly. Shortly after the firing ceased, Gen. Callis, M. C. Thomas, A. Green and myself, went to Gen. Ruger and asked for troops for the protection of the city. A company of soldiers was ordered into town and put on duty that night. During the night they arrested three men armed with pistols, and mounted, with Ku Klux disguises in their saddle-bags, disarmed them and turned them over to the civil authorities, who turned them loose before morning; they were again armed by some one, as they went immediately to the livery stable and took their horses by force. I do not believe that any process issued by any civil court can be executed in Madison county; nor do I believe that officers in that county can be induced to execute the laws.

On Monday before the election, I received so many threats and warnings from prominent citizens, that I, with Gen. Callis, C. C. Sheats, and J. D. Sibley, went to the military camp for protection.

All of which is respectfully submitted.

Interrogatory First—By the committee to the witness A. J. Applegate. Where was the sheriff and his deputies at the approach of the Ku Klux band, and at the time of the firing on the night of said meeting? also, where was the mayor of Huntsville?

Answer—The sheriff was absent, and said to be at his farm $2\frac{1}{2}$ miles from town; the sheriff had been in town

during the day and evening; the deputy was in the meeting to about the time it broke up; but at the time of the firing, could not be found. He may have been in town in the course of the evening, but he was in his bed during the firing, and had to be awaked to issue a warrant for the arrest of one — Cox, who seemed to have been a ring-leader amongst the Ku Klux gang, who were on foot, undisguised in said city during the firing and fighting.

Interrogatory Second—Did the police of Huntsville, or any of the civil authorities, make any arrests during the firing or after? or, did they, or any of them have any preparations for resisting said gang?

Answer—They did not make any arrests during said firing or after; I heard of no policeman being out or on the square, in organized preparation for defence or otherwise, during said firing or after. The military authority made three arrests of men who had their disguises in their saddle-bags, and they were turned over to the guard of police, as I was informed.

A. J. APPLGATE.

Signed and sworn to, after being read over and approved by affiant, November 19th, 1868.

G. T. McAFEE, Chairman.

Mr. Justin Ronayne, of ——— county, being called before the committee and sworn, testifies and says :

Interrogatory 1st—Are you acquainted with any particulars referred to in the resolutions of the Legislature relating to outrages perpetrated by armed bands of outlaws upon members of the Legislature and other good and law-abiding citizens?

Answer—I am not acquainted with any relating to members of the Legislature. I saw one man killed in Huntsville, and attended professionally on another who was wounded.

Interrogatory 2d—Where and when did the events happen, and by whom?

Answer—It was on Saturday, about 10 o'clock, P. M., October 30th, 1868, in Huntsville, Alabama. I attended as a surgeon the wounded man, who told me the wounds on his person were inflicted by one Cox, a saddler, residing in Huntsville.

Interrogatory 3d—Did you see any person in disguise at, or about the time stated in your answer to the second interrogatory above? if yea, how many, and in what position were they, armed or unarmed?

Answer—I did; about fifty, riding around the street; can't say whether they were armed or not?

Interrogatory 4th—In what costumes were they, and their horses?

Answer—They were in red and white costumes; their horses were covered with white cloths or blankets.

Interrogatory 5th—Please state any thing you may know of any other persons being shot or wounded on said night of 31st ult., and as to the name of the party mounted, as stated above; what were they called?—what was their business, or intentions? Was it hostile or peaceful?

Ans.—Judge Silas Thurlow, judge of probate of the county of Limestone, Ala., was mortally wounded. Every person there seemed to know them as the *Ku Klux Klan*. The people were all afraid of them. They seemed to be regarded as hostile by the people.

Affiant submitted the affidavits of sundry persons, to which he asks leave to refer, and that they be received as a part of this evidence.

J. RONAYNE.

Signed and sworn to, after being read over and approved by affiant, 21st November, 1868.

G. T. McAFEE, Chairman.

STATE OF ALABAMA, }
Madison County. }

Silas Thurlow, of Limestone county, Alabama, being duly sworn, upon oath states the facts following, to-wit:

About 10 p. m., of Saturday, the 31st of October, A. D., 1863, I was at the court house at Huntsville, Madison county, Alabama, in attendance upon a public meeting there convened. Hearing an alarm that the organization generally known as the Ku Klux was upon and parading the streets, I left the court room and passed through the hall of the court house, toward the north side. As I passed out of the door I saw the mounted cavalcade of Ku Klux, which just then blew whistles, and started on a trot along the north side of the square, turning the corner towards the Johnson House. I walked down the steps, intending to proceed to the Johnson House, where I was stopping. While within the enclosure of the square, I heard a black man say something about shooting at the Ku Kluxes. I told him not to do it. He came out of the north gate of the square, a little ahead of me. As he went out, a white man demanded of him, with an oath, "what he was doing with that gun?" and at the same time shooting at him with a pistol—the ball, I think, striking the black man in the side of the head. This I know to have been the first shot fired in the vicinity of the public square, and was the commencement of a riot. I was within about ten feet of the black man so shot. He then ran, and five or six men followed him, shooting as they and he ran. At about the same time, another black man came up and asked what that firing was, and I saw the same man who shot the first black man, shoot at him, and I thought, by his actions, the man was wounded. At this time there seemed to be much general firing along the street. I stepped back inside the gate, and as I closed the gate, I was shot at from a gathering of white men standing a little to the west of the gate, and was struck by a ball which passed through my abdomen. There were four, I think, in the crowd from which I was shot, when I first noticed them. They were standing outside the fence, and within six to ten feet of me. Among the crowd from which I was shot, was a tall, gray-haired, slim man,

carrying a cane, who has been in my room since I was wounded, and whom I have since learned to be named
 — Hamilton.

(Signed,) SILAS (his X mark) THURLOW.

Witnesses: J. D. Jenkins, J. Y. Cantwell.

HUNTSVILLE, Nov. 24th, 1868.

DEAR FRIEND: For the benefit of such as do not believe the Ku Klux are still operating here, I have just caused this affidavit to be taken. The party is a peaceable, quiet negro, who never meddles with politics, and against whom no charge whatever can be brought. You will please show this, with my letter from Mad. Station to the Governor. Hundreds of others can be produced.

Truly,

T. M. GREEN.

STATE OF ALABAMA, }
 Madison County. }

Nathan Weeks, (colored) being duly sworn, states the facts and circumstances following, to-wit:

I reside in Huntsville, near the edge of the settled portion of the city; my family consists of a wife and one child. On Saturday night last, the 22d of November instant, at about 11 o'clock, I was awakened by violent knockings at my door. Upon opening the door a pistol was presented at my breast, and I immediately shut the door and locked it. Subsequently, upon the entreaty of my wife, I opened it again, and three disguised men, armed with revolvers entered, and while one guarded me with a pistol the others searched the house. They found my gun and broke it up, and told me that they were coming again and if they found any arms they would kill me. They said they meant to disarm all "niggers." While they were in the house I heard two others talking outside. They then left and went up the railroad towards the depot. I have lived a quiet, peaceable life, have threatened no one and have never been arrested or charged with any offense of any kind.

Witness my hand, this 24th of November, A. D., 1868.
 NATHAN (his X marks) WEEKS.

Attest—W. F. BEGLOW.

Sworn to and subscribed before me, this 24th day of
 of November, A. D., 1868.

A. W. SMITH, N. P. [Seal.]

STATE OF ALABAMA, }
 Madison County. }

Spencer Collier being duly sworn upon oath, states the
 facts following, to-wit :

I have been until now in the employ of W. W. Cox, a
 saddler. On Saturday last, about five in the evening, Mr.
 Cox said to me in his shop, "Spence there is going to be
 hell turned up here to-night and you keep out of it."

After witnessing the Ku Klux parade around the square
 and after they had left the square, standing near the north
 gate of the square and about twenty-five feet from Mr.
 Cox, whom I knew distinctly by his dress, I heard an alter-
 cation between him and some colored man about a gun,
 and immediately afterwards I saw Mr. Cox shoot. This
 was the first shot fired in the vicinity of the public square.
 I am personally a friend of Mr. Cox, but am compelled by
 the nature of the oath I take to tell the truth. I know of
 nothing further of importance.

SPENCER (his X mark) COLLIER.

A. W. Smith and Ed. Hubbard, witnesses.

STATE OF ALABAMA, }
 Madison county. }

Edward Hubbard, being duly sworn, upon oath states
 the facts following, to-wit :

Upon the night of Saturday, the 31st of October, ulti-
 mo, I had been in attendance upon the meeting at the
 court-house at Huntsville, and while the Ku Klux were
 parading upon the square and had come to a halt, with
 the head of the column opposite the National Bank, I was
 standing upon the steps of the court-house, on the south

end and east side. A white man named Billy Thomason, who has been a railroad man, and is now "firing," came up in front of me, and shaking a pistol in my face, said, "God damn you, hurrah again for Grant and Colfax, and I'll blow your brains out!" I said nothing, and he soon turned and ran down the steps, some of the colored men near saying, "Shoot him." Others said, "No boys, don't shoot; don't let us commence any difficulty; when we are shot at we will defend ourselves." I was unarmed, and left on the south side of the square. Witness my hand,
 NED (his X mark) HUBBARD.

S. S. CLAPP, }
 A. W. SMITH, } Witnesses.

STATE OF ALABAMA, }
 Madison county. } ss.

Pope Chapman (colored), being duly sworn, upon oath states the facts and circumstances following, to-wit :

At the meeting held at the court-house in Huntsville, during Saturday, October 31st, A. D., 1868, I was acting as special deputy sheriff, by appointment of Mr. Doyle, sheriff. At the night meeting, after the Ku Klux had passed around the square, I was standing by Mr. Cox's saddler's shop talking with him (Cox). He expressed wonder that, if the niggers were going to fight, that they didn't fight. George Roper came out of the court-house yard hurrahing for Grant and Colfax. Mr. Cox stepped forward and stopped him, and asked him what he had there, what he was going to do with that gun, or words of similar import. Roper said he was not going to interfere with him. He told Roper to drop it. "If you don't drop that gun, I'll shoot you." Roper did not drop it, and he shot him. I was within two feet of him at the time. Roper shot back at him with the gun. Then there were several shots from white men near, at Roper. He was trying to run, and they gathered on him, took his gun away, and finally getting him down near the ruins of the Donegan block, commenced beating him with a pistol; four of them were over

him. Mr. Cox was then shooting at Milt Martin, and snapped his pistol three times in his breast ; it missed fire every time. Aleck Reed came running by, making towards the mayor's office, and Cox shot at him, and struck him with the ball, and then followed him to the foot of the stairs leading to the mayor's office, where Martin had fallen in, and shot up the steps. At that moment some one shot him in the head. He said to me, "Don't shoot any more ; I am satisfied." The white men then stopped shooting, and firing ceased. This is all I remember now of importance connected with the affair.

POPE (his X mark) CHAPMAN.

J. H. Conner, A. W. McCullough, witnesses.

STATE OF ALABAMA, }
 Madison County. } ss.

George Womack, being duly sworn upon oath, states the facts and circumstances following, to-wit :

I am the constable of Beat No. 1, Madison county, Alabama. I was in attendance at the meeting at the court-house upon the night of Saturday the 31st day of October, A. D., 1868. News came that the Ku Klux were coming and I did all I could to persuade those at the meeting to remain and go on with the meeting. The men, however, nearly all left the hall. Passing among the last from the hall, I looked from the south-east corner of the court-house and saw the Ku Klux halt near Martin's corner and heard them cheered there; they soon moved on around the square ; when the column reached the south-east corner of the square the Ku Klux halted again and then moved on around the square. Men in the yard were hurraing for Grant, I tried to preserve order as much as possible, urging that they should make no hostile demonstration as the Ku Klux passed around the north side of the square. I passed through the hall of the court-house going north, quite a crowd following me. I still urged no violence. Mr. Cox, the saddler, rushed through the court-house shouting, "hurrah for Seymour and Blair ;" I responded hurrah for

“Grant and Colfax.” He had on a fur cap and big gray coat, and I distinctly recognized him. He went out of the north gate, spoke to men in the Ku Klux column, passed through the column over to his shop. I remained on the steps of the court-house until the rear of the Ku Klux column left the square upon a lope; I then came out of the north gate of the court-house square and hastened to the corner of the More block and found they had turned the corner of the market house and then returned towards the north gate of the court-house; on my way about thirty steps from the gate, I heard Mr. Cox challenge Mr. Roper. I knew Mr. Cox by his voice; heard him say to Roper, “what have you got there?” He said nothing to hurt you. Cox said, “God damn you its a gun, drop it!” “I wont do it,” Roper replied. “You God damn black sun of a bitch you, give me that gun, if you dont do it I’ll shoot you,” was Mr. Cox’s next remark, or words extremely similar. Roper still said “I wont do it,” and then Cox shot at him. I was looking at him, walking towards him, saw the shape of his cap, the character of his clothes, it was bright moon-light, and I was then about ten steps from him; and soon as Mr. Cox fired, four or five others fired, and then I saw a shot made that I thought came from Roper’s gun. One of the crowd after the firing, broke and ran towards the Huntsville hotel; I thought it was Henry Beinfeld; I had nearly got to Cox and they were shooting all around; did all I could to stop it; going to every man I saw shooting, except Cox, who I was afraid would shoot me if I spoke to him. I saw Cox go up to a colored man running and say, “God damn you I’ll show you who it is,” and shoot at him three times, his pistol made the motions of being shot, but might have missed once or more; there was so much shooting could not hear distinctly. As he shot the last time, he said to a man behind him, “Here, take this pistol,” and then he commenced firing with another. I then made for the north gate of the court-house yard, to get out of danger. At the gate I met I. D. Sibley and Judge Thurlow.

Mr. Thurlow was wounded, and Mr. Sibley and Mr. Bigelow started with him for the Johnson house. By that time the firing had ceased, and the colored men dispersed homewards, and after I had seen the yard and about the courthouse cleared of men, I went home myself. This is all of importance that occurs to me now, as connected with the affair. Witness my signature, this 2d day of November, A. D., 1868. GEO. W. WOMACK.

A. W. McCullough, W. Hellenger, witnesses.

Mr. C. D. Hudson, of the county of Chambers, being called before the committee, and sworn, testifies and says :

Int. 1st—Do you know of any outrages committed by any person or persons against the members of the Legislature of Alabama, or any other good and law-abiding citizens of this State? If so, please state when and where, by whom and against whom?

Ans.—Edmund Belcher, about 55 years of age, of Randolph county, south-eastern portion, was taken out and whipped by an armed, disguised band of men, 12 or 15 in number, about 10 o'clock in the night; whipped very badly. He came to me at night, a day or two afterwards, and showed me his wounds. He was by them ordered, and sworn, to leave the country, and to keep secrets on them.—I saw persons who were trustworthy in every respect, who examined him, and said that he was whipped and wounded very badly, from his neck all the way to his hips, leaving the ends of the sticks in his back, being of black-jack brush, with which he was whipped. He went to work immediately, and sold out his property, and left his place of residence, taking his family with him. He would not tell where he was going; didn't want these outlaws to know where he was going; he was awfully bruised and torn.—They put a rope about his neck, and jerked him about very roughly, in the presence of his family, and alarmed them much. They pulled him along by the neck to a graveyard, with the evident purpose to hang him; and when his wife

and family, being greatly alarmed, cried and plead for his life, they pushed them back, and told them to shut their mouths or they would blow their brains out. He (Edmund Belcher) had children and grand-children. He told me he knew three of his assailants, but he would not then disclose their names; (I suppose through fear.) Affiant was willing to make a fuller disclosure, but the committee were of the opinion that, from motives of prudence, the testimony should rest here.

CICERO D. HUDSON.

Signed and sworn to, after being read over and approved by affiant, December 3d, 1868.

G. T. McAFEE, Chairman.

Robert S. Heflin, of the county of Randolph, being called before the committee and sworn, testifies and says;

Int. 1st.—Do you know anything as to the commission of outrages recently committed, either against the members of the Legislature of Alabama, or against the good and law abiding citizens of said State? If so, please state what, when, by whom committed?

Aus.—I saw a Mr. Edmund Belcher, of the county of Randolph, Ala., between the 1st and 10th of October, ult., who is about 55 years of age, a good citizen, and a Union man, who seemed to be bruised on the top, and other parts of his head, with blows with pistols, as he related to me. He further states that he was taken out of his bed about midnight, by an armed band of men, who tied a rope around his neck and took him out some two hundred yards to a grave yard, and there knocked him down with pistols, as aforesaid, and stamped him severely on his head and face, knocking out several of his front teeth. It seemed to have been recently done; his face having the marks of violence which confirmed his statements to me. His watch-dog rushed at them, as they entered the yard, and was shot down by the mob. They were 10 to 15 in number. After they took the old man out to the graveyard, a colored man came down the road, whom they knocked down, and after

having been knocked about awhile, made his escape. They then made the old man run up and down the road until he was perfectly exhausted. His body was badly bruised, and his neck much swollen. They stripped him as naked as he was born into the world, and then whipped him with black-jack brush; the ends of which penetrated his flesh one to one and a half inches. This I saw; the old man showing me the bruises and stripes on his person. He, Belcher, was forced to leave the county, and went to North Alabama, being then on his way, in the city of Wedowee, accompanied by his family and both his sons-in-law.

Many persons, Union men, in the Southern portion of Randolph, were afraid to vote, and did not vote, to the number of about 150 persons, embracing about four precincts, or voting places. (Seven voters voted for Grant, at Rock Mills, in said Randolph county, and were not counted, as was stated.) The aforesaid number, 150 men, were so intimidated by the threats and violence of the Democratic, or so-called conservative, or secession, or rebellious party, that they were afraid for their lives, if they ventured to exercise their right of voting.

R. S. HEFLIN.

Signed and sworn to, after being read over and approved by affiant, this 3rd day of December, 1868.

G. T. McAFEE, Chairman.

STATE OF ALABAMA, }
 Mobile County. }

Personally appeared before me, T. J. Burns, a Justice of the Peace in and for said county and State, Edward Brown, a resident of Clarke county, of said State of Alabama, who being duly sworn, deposes and says: That on or about the 3d day of November, 1868, during the election for President and Vice President of the United States, while attempting to exercise the right of suffrage, at the polling place, Suggsville, Ala., he was assaulted by several parties, and driven from the polls.

And further : That about 12 o'clock on the night of the 3d, a crowd of rowdies, composed of the following-named parties, to-wit: James Mobbs, Si Allen, James Owen, John Odom, Milton Barnes, Charles Hamilton, Robert Goodloe, and Turner Goodloe, came to his house, called him from his house, and assaulted and beat him over the head very severely, bruising and gashing him terribly. And further—gave him notice that he must leave the county, after firing two shots at him from their revolvers; and said affiant is now in Mobile, without means. He has, in Clarke county, property to the value of ten or fifteen hundred dollars. He therefore prays your honorable bodies that some law may be passed for his relief, and all others similarly circumstanced.

EDWARD (his X mark) BROWN.

Sworn and subscribed to before me, this 10th day of November, 1868.

T. J. BURNS, Justice Peace, M. C.

Witness to same—Jas. G. Stuard.

STATE OF ALABAMA, }
 Mobile county. }

To the members of the Legislature of Alabama :

I, Bryant Wood, a native of the State of Georgia, and for about twenty years a resident of Choctaw county, in the State of Alabama, under oath, say, that on or about the 3d day of November, A. D., 1868, in the afternoon, while I was in the town of Bladon Springs, Choctaw county, State of Alabama, one James Evans, a resident of said county, committed an assault upon me, striking me on the head several severe blows, giving as a reason for so doing that I had refused to vote for him for a member of the State Legislature. The same night the said James Evans, and others, came to my house after I had retired to bed, and informed my wife that I should not be allowed to live in Bladon Springs. A day or two afterward Robert Herron and George Hicks came to my house and notified my wife

that I should not be allowed to live there after the ensuing Thursday. My friends all expressed to me their opinion that I would be killed if I remained, and I left my home and came to this city. I do not dare to return, believing that my life would be in danger if I did. A number of colored people came to me before I left, and told me that they had been notified by the same James Evans to leave. And now I pray your honorable body to enact a law that will enable me to bring James Evans and his confederates to trial at a place where I can appear to testify against them, so that I may be able to return to my home and live in peace and security.

BRYANT WOOD.

Subscribed and sworn to before me, this tenth day of November, 1868.

G. HORTON, Judge of Probate.

Simeon Brunson, being brought before the committee and sworn, testifies and says :

Int. 1st—Do, or did you know one Meridy Crossland, a member of the House of Representatives of the General Assembly of Alabama ?

Answer—I do.

Int. 2d—Please state what you know about his recent death, and of those, if any, who were with him at the time, giving dates, places and circumstances ?

Answer—I know Meridy Crossland, a member of the Legislature, and saw him shot, and my step-son, James Byers, a lad about seventeen years old, was also shot at the same time, with rifles, on the morning of Saturday, the 14th day of November, 1868, just as they, in company with myself, had crossed the Shirley bridge, lying across the Sipsey river, in the county of Tuscaloosa, about 15 miles above the city of Tuscaloosa. Three shots were fired, in quick succession ; and at the crack of the guns, my step-son Byers fell, and appeared to turn over on his back as if killed instantly ; so, likewise, did Crossland fall, and seemed to be dying. The mule upon which my step-

son was riding, appeared to have been shot, and seemed to be reeling under the effect of the shot. The shots, as well as I could determine, from the crack of the guns, were fired under the cover of the bridge, over which we all had just rode, and the conviction was confirmed by seeing the smoke of the burnt powder rise up from behind the abutment upon which the bridge rested, on the bank of the river next to us, on my right, as I looked back towards the point from whence the sound came.

Int. 3d—What disposition did you make of Crossland and Byers, if any? and also of yourself?

Answer—I made my escape, and left the parties shot to be cared for by the friends and neighbors.

Affiant further states, under oath, that he, immediately after the aforesaid killing of Crossland and Byers, went down to the city of Tuscaloosa, and went to the Sheriff, whose name, I think, is Thomas Lewis, and tried to get him to take men and go with me, to search for and apprehend the murderers, but he refused; and on being urged to make an effort, he told me he could not get a man to go. He turned to the persons who were present, and seemed to try to get them enlisted to go, but he failed; and I could not prevail on a man, or civil officer, to go with me.

SIMEON BRUNSON.

Signed and sworn to, after being read over and approved by affiant, this 19th November, 1868.

G. T. McAFEE, Chairman.

Gentlemen of the Committee:

In filling the appointments assigned us by the Executive Committee, at Montgomery, we reached our appointment at Gaston, Sumter county, on the 27th of November last, when and where we met a number of men, who, from their boisterous cursings and abuses, seemed determined, not only to break up our meeting, but to do us personal vio-

lence, as the sequel of their conduct proved. They created all manner of disturbance, threatened violence and personal attack upon one of our party while speaking, and used all kinds of threats, menaces and abuses, intending to intimidate and disturb the quiet and peace of our meeting, to such an extent as to draw guns and pistols, and brandish them in the air, threatening to shoot one of our speakers, if he did not desist from his harangue, and "come down from the stand." To all of this he made no reply, in order to avoid any collision between the two races. While another of our speakers was addressing the company, a man named Miller Tarvin told one of our party that he intended to kill him—that there were fifteen of his band, all armed with double-barrelled shotguns, and that a part of them were then awaiting in ambush for us, as we passed on the road to our next appointment, at Livingston, and that they intended to murder the whole party, and hide our bodies where we never could be found. He also stated, that he was "backed by the entire community," and that we should "never reach Livingston, certain." He said they were "good for us," and there was no means of escape. He made all manner of threats, exhibiting his pistol constantly in a very menacing manner. After the addresses were concluded, we drove out of town, in order to change carriages, and on our return through the village, we were met, on the outer-edge of town, by this man Tarvin, and one Coleman Ezell, with a double-barrelled shot gun, and pistols. When about to pass them, they commenced firing upon us, and continued to fire for five, or six, or eight shots, as we drove out of reach of them. While passing up the street, through the town, we were fired upon several times, from the sidewalks, by men, who seemed to be stationed there for that purpose, and perhaps, some shots were fired from shops, or houses, on the street. We have good reason to apprehend that this assault was premeditated and pre-arranged. We escaped unhurt, but one wheel of the carriage was struck during the first firing



by Tarvin and Ezell, and their shots were heard distinctly as they passed near us.

The names of all the parties, or at least, of several of those concerned in this unprovoked disturbance, and cowardly assault, can be furnished your Committee, if desirable. The driver of our carriage is named Darden, and resides at Livingston, Ala., and we respectfully request that your Honorable Committee send for this man, in order that you may obtain his testimony, which we deem quite important.

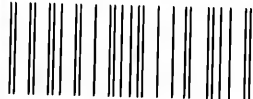
We would further state, that we have good reason to believe that this band followed us as far as the railroad, but by taking a route not usually traveled, between Gaston and Livingston, we, in our opinion, evaded them, and escaped their contemplated assassination.

WM. GILMORE,
J. L. PENNINGTON,
GEO. F. HARRINGTON.

Signed and sworn to, after being read and approved by affiants, this 24th November, 1868.

G. T. McAFEE, Chairman.

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